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THE HISTORY OF LOUISIANA.

THE
HISTORY
 OF
LOUISIANA,
 FROM THE EARLIEST PERIOD.

BY FRANÇOIS-XAVIER MARTIN.

*Hæc igitur formam crescendo mutat, et olim
 Immensi caput orbis erit. Sic dicere vates.*
 Ovid. Metam. xv. 434 & 435.

VOLUME II.

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Eastern District of Louisiana, ss.

BE IT REMEMBERED, That on the seventh day of June, in the year of our Lord one thousand eight hundred and twenty-seven, and of the independence of the United States the fifty-first FRANCOIS-XAVIER MARTIN, of the said district, hath deposited in the Clerk's office for the District Court of the United States for the Eastern District of Louisiana, the title of a book, the right whereof he claims as proprietor and publisher, to wit:

"The History of Louisiana, from the earliest period. By François-Xavier-Martin.

*Hæc igitur formam crescendo mutat, et olim
Immensi caput orbis erit. Sic dicere vates.
Ovid. Metam. xv. 484 & 485."*

In conformity to an act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned;" and also, to an act entitled "An act supplementary to an act, entitled 'an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

W. F. LEA, DP., CLERK, U. S. DIST. COURT,
Eastern District of Louisiana.

TABLE OF CONTENTS.

CHAPTER I.

Commission and powers of O'Reilly. His assessors. Census of New-Orleans. Arrest of Foucault and others. Death of Villere. Proceedings against the prisoners; their pleas, sentence and execution. The superior council abolished. A cabildo established. The Spanish laws substituted to the French. Regidors. Alcades. Attorney-general-syndic and clerk. Alforez Real. Principal provincial Alcade. Alguazil mayor. Depository General. Receiver of fines. Regiment of Louisiana. Dearth of provisions. Oliver Pollock. Don Louis de Unzaga. Governor. Commandants. O'Reilly visits the German and Acadian coasts. Iberville and Point Coupee. Bobe Descloseaux. French paper money. Ordinances for the grant of land, and police regulations. Slavery of Indians. Black code. Don Cecilio Odoardo. Ecclesiastical arrangement. Hospital. Nuns. Revenue of New Orleans. Departure of O'Reilly. Massacre in Boston. p. 1.

CHAPTER II.

Buccareilly. Doucet and his companions released. Commerce of New Orleans. Royal Schedule. Marquis de la Torre. Hurricane. Spanish language. Bishoprick of Cuba. Bobe Descloseaux. Daniel Boone. Tea destroyed in Boston. Fagot de la Gariniere. Grant of lands. Creeks and Chickasaws. First Congress in Philadelphia. Parliamentary proceedings. General Gage. General Lyman. Battles of Lexington and Bunkerhill. Invasion of Canada. Olivier de Vezin. La Barre de la Cestiere. Don Bernard de Galvez. Unzaga promoted. The British land on Long Island. Battle of Brooklyn. Washington evacuates New York and crosses the Hudson. Attack at Trenton.
p. 24.

CHAPTER III.

Don Bernard de Galvez. Don Diego J. Navarro. Commercial regulations. Captain Willing. Counties of Illinois and Washington. Battles of Princeton and Bandywine. Philadelphia taken. Battle of Germantown. Surrender of Burgoyne. Migrations from the Canary islands. Royal schedule. Vincennes taken. French treaty. Philadelphia evacuated. Savannah taken. Don Diego D. del Postigo. Migration from Malaga. War between Great Britain, France and Spain. Galvez's success at Manchac. Baton Rouge and Natchez. Hurricane. First settlement on Cumberland river. Mobile taken. Attack on St. Louis. Charleston taken. Don Juan M. de Cagiga. Siege of Pensacola.
p. 39.

CHAPTER IV.

The garrison driven out of fort Panmure. Distress of the inhabitants. Hurricane. Excessive flood. Battle of Guilford. Surrender of the British army at York. Galvez's promotion. Father Cyrillo. Don Eestevan Miro. Commercial regulations. Preliminary articles. Don Joseph de Espeleta. Treaty of peace. p. 63.

CHAPTER V.

Galvez's promotion. Lepers. Unzaga's residence. Census. Colonial expenditures. A commissary of the holy office. Acadians. Commerce. Bando de buen gobierno. Don Pedro Piernas. Kentucky. Irish priests. Don Diego de Guardoqui. Trade with the western part of United States. General Wilkinson. Trade with Philadelphia. Northwestern territory of the U. States. p. 75.

CHAPTER VI.

Conflagration. Permission given to Wilkinson to trade. Emigrants. Census. Navarro's departure. His ideas in regard to the people of Kentucky. Their plans. Charles IV. Wilkinson. Encouragement to migration. Irish emigrants. Federal

constitution of the United States. Washington. Nootka Sound. Negotiations at Madrid. South-western territory. Don Francisco de Bouligny. Don Nicholas Maria Vidal. Indian affairs. Insurrection in Hispaniola. State of Vermont. p.97.

CHAPTER VII.

The Baron de Carondelet. *Bando da buen gobierno*. Regulations as to slaves. Gen. Wayne. Guinea trade. Louis XVI. War against France. Fortifications. Militia. New commercial regulations. Don Francisco de Rendon. Bishoprick of Louisiana. Don Louis de Penalvert. Genet's meditated expedition against Louisiana. The Floridas. *Moniteur de la Louisiane*. Canal. Carondelet. Manufacture of sugar resumed. Conflagration. Negro plot at Point Coupee. Police regulations. Extensive grants. The Marquis de Maisonrouge. Gayoso sent to confer with Kentucky patriots. Treaty of San Lorenzo. [p.111.]

CHAPTER VIII.

Treaty between Spain and the United States. The Count de Santa Clara. The Baron de Bastrop. Lighting of the city. Power's mission to Kentucky. Clark and Lachaise's expeditions, Royal audience at *Puerto del Principe*. New regidors. Ellicot. Lieutenant M'Leary. The Baron seeks to

delay the evacuation of the Spanish posts. Lieutenant Pope. Power's second mission. His instructions. The Baron reinforces the garrisons of Fort Panmure and Walnut Hill. Commotion at Natchez. Gayoso retires into the fort. His proclamation. General meeting of the people. Committee of safety. Their propositions are approved by Gayoso. The Baron accedes to them. His departure. State of Tennessee. John Adams.

p. 129.

CHAPTER IX.

Don Manuel Gayoso de Lemos. Don Carlos de Grandpre. Power's report. General Collet. Instructions to commandants. The French princes. Captain Guion brings a reinforcement to Natchez. Line of demarcation. Mississippi territory. Georgia claim. Schedule for the disposal of vacant land. Deposit suspended. Arrangement as to deposit. Land regulations. Death of Gayoso. The Marquis de Casa Calvo. Upper Louisiana. Don Ramon de Lopez. Warlike measures of the United States. Vacant land. Division of the northwestern territory. Deposit restored. Louisiana ceded to Spain. Grant of land to the city. Thomas Jefferson. Treaty between the United States and France.

p. 149

CHAPTER X.

Don Juan M. de Salcedo. Treaties with the Chickasaws and Coctaws. Don Carlos de Jaen. Royal

schedule. The land office shut. The deposit disallowed. The state of Ohio. The deposit partially restored. Form of government. Laussat. His proclamation. Address of the inhabitants. The Marquis de Casa Calvo. Commissioners' proclamation. Cession of Louisiana to the United States. Possession delivered to the commissioner of France. His proclamation. Municipal body. Claiborne and Wilkinson receive possession for the United States. p. 178.

CHAPTER XI.

A view of the province at the cession. Boundaries. Civil divisions. Lands. Population. Indians. Officers. Clergy. Paper securities. Taxes. Duties. Expenditures. Imports. Exports. Shipping. p. 201.

CHAPTER XII.

Claiborne's first proclamation. Superintendant of the revenue. Court of pleas. Communication from the Spanish minister. Spanish convention. First territorial form of government. Collection and navigation laws. Proclamation of pardon to deserters. Departure of Laussat and Wilkinson. Dissatisfaction of the inhabitants. General meeting. Memorial to congress. A deputation chosen to carry it. Bank of Louisiana. Military associations. Expedition to the Pacific ocean. Insurrection at

Bayou Sarah. The new government put into operation. First session of the legislative council. Exploring parties to the Washita and Red Rivers. Bishop of Montelrey. Second form of territorial government. Amendments proposed by the deputation. Land laws. Office of discount and deposit of the bank of the United States. Second session of the legislative council. Exploring party to the sources of the Mississippi. Captain Lewis reaches the Pacific ocean. The Marquis de Casa Calvo and the remaining Spanish troops leave New Orleans. Pope's bull. The Kempers seized at Pinckneyville and liberated near Point Coupee. p. 237

CHAPTER XIII.

New form of government. Officers. Meeting of the house of representatives. Bishop of Baltimore. Vicar general. Return of the Marquis of Casa Calvo. Encroachment of the Spaniards in the west. Major Porter. Don Simon de Cordero. Don Antonio de Herrera. First territorial legislature under the new government. Secretary of war's orders to Wilkinson. Pike's expedition up the Missouri. Claiborne goes to Natchitoches. His communication to Herrera. Cushing sent to Natchitoches. Wilkinson arrives there. His communication to Cordero. First rumours of Burr's movements. Wilkinson marches towards the Sabine. The president sends a confidential agent to the western states. Proclamation. Wilkinson enter into arrangement with Cordero and Herrera, and sends the troops to New Orleans. He proceeds to

Natchez. Burling sent to Mexico. Wilkinson goes down to New Orleans. He fortifies that city. Sends an officer to Jamaica. Meeting of the merchants. Arrest of Bolman, Swartwout and Ogden. Writs of habeas corpus. The prisoners shipped to United States. Judge Workman. Second session of the legislature. Arrest of Adair, Workman, Kerr and Bradford. Burr arrested at Natchez, is bound over, escapes and is retaken. Burling returns from Mexico and Swann from Jamaica.

p. 259.

CHAPTER XIV.

Court of inquiry on Wilkinson's conduct. Clark's statement. Legislature. Civil code. Hostile appearances. Troops ordered to New Orleans. Wilkinson sent to command them. Canal Carondelet. James Madison. Great migration from Cuba. Camp at Terre aux Bœufs. Sickness among the troops. Their removal to the Mississippi territory. Terrible mortality. Clark's pamphlet. Wilkinson ordered to Washington City. Hampton takes the command. Legislature. Claiborne's departure. Robertson. The Spanish garrison driven from Baton Rouge. Skipwith. Proclamation of the president of the United States. Claiborne's return. He takes possession of St. Francisville and Baton Rouge. Parishes of Feliciana, East Raton Rouge. St. Helena and St. Tammany. Insurrection among the negroes. Legislature. The inhabitants of the territory authorised to form a state constitution.

p. 290,

CHAPTER XV.

First steam boat on the Mississippi. Apostolic administrator. Wilkinson's acquittal. Louisiana admitted into the Union. Conditions. Extension of limits. Proclamation of the president of the convention, ordering elections, under the authority of the state. War declared against Great Britain. Wilkinson assumes the command of the seventh Military District. First session of the first State Legislature. Governor Claiborne. The extension of limits assented to. Hurricane. Second session of the Legislature. Judicial system. Congress directs possession to be taken of the territory west of the Rio Perdido. Wikinson drives the Spanish garrison from Fôrt Charlotte at Mobile. He is ordered to the northern frontier of the U. S. and is succeeded by General Flournoy. Attack of Fort Mimms. The Creeks chastised at Tallusatche and other places. Embargo. One thousand militia of Louisiana called into the service of the U. S. Third session of the Legislature. The Indians further chastised. A further requisition of the Militia. Peace with the Creeks. Brig Orpheus. Colonel Nichols. His proclamation. He attempts to secure the assistance of the Barrataria people. Attack on Fort Bowyer. The Barrataria people dispersed. Committee of defence in New-Orleans. Jackson marches to Pensacola, and compels the Governor to receive garrisons of his army in the Forts. p. 311.

CHAPTER XVI.

First session of the second Legislature. Jackson arrives at New-Orleans. British fleet off Pensacola.

Capture of the flotilla on Lake Borgne. Barrataria men join the army. Proceedings of the Legislature. Generals Coffee and Carroll. Major Hinds. Embargo. Affair of the twenty-third of December.

p. 334.

CHAPTER XVII.

Jackson establishes a line of defence. Morgan crosses the river with his detachment. Destruction of the Carolina. Action of the 28th of December.—The legislature prevented from sitting. Affair of New Year's day. Both armies reinforced. Battle of the 8th January. British operations on the right bank of the Mississippi. Suspension of hostilities. Armistice. Bombardment of Fort St. Phillip.—Retreat of the British army.

p. 359.

CHAPTER XVIII.

The legislature adjourns. Fort Bowyer taken. First intelligence of peace. Jackson's proclamation.—Confirmation of the intelligence. French subjects demand their discharge from military service. Apply to the consul, and are discharged on his certificate. The Consul and them ordered into the interior. They remain at home. Louaillier's publication. His arrest. Writ of Habeas Corpus issued by Hall, who is also arrested. The Clerk of the Court brought to head-quarters. A record taken and withheld from him. He avows his intention to issue the writ and is threatened. The Marshal avows his intention to execute it, and is threatened. Intelligence of the treaty being ratified. State militia discharged. Proceedings against Hall and Louaillier.

Order against the French subjects suspended.— Lewis and Dick ordered to be arrested. Orders against Lewis and Dick countermanded. Supreme Court. Hollander discharged. Louaillier acquitted. The sentence disapproved. Hall sent out of the city. Peace proclaimed.

CHAPTER XIX.

A rule to show cause why an attachment for contempt, issued against Jackson. He shows cause. The rule is made absolute. He declines answering interrogatories, and is fined.

HISTORY OF LOUISIANA.

CHAPTER I.

Commission and powers of O'Reilly.—His assessors.—Census of New-Orleans.—Arrest of Foucault and others.—Death of Villere.—Proceedings against the prisoners; their pleas, sentence, and execution.—The superior council abolished.—A cabildo established.—The Spanish laws substituted to the French.—Regidors—Alcades.—Attorney-general-syndic, and clerk.—Alforez Real.—Principal provincial Alcade.—Alguazil mayor.—Depository General—Receiver of fines. Regiment of Louisiana.—Dearth of provisions.—Oliver Pollock.—Don Louis de Unzaga.—Governor.—Commandants—O'Reilly visits the German and Acadian coasts.—Iberville and Pointe Coupee.—Bobe Descloseaux—French paper money.—Ordinances for the grant of lands, and police regulations.—Slavery of Indians.—Black code.—Don Cecilio Odoardo.—Ecclesiastical arrangement.—Hospital.—Nuns.—Revenue of New-Orleans.—Departure of O'Reilly.—Massacre in Boston.

DON Alexander O'Reilly, a lieutenant-general of the armies of Spain, had, by a commission bearing date Arañjuez, April 16th, 1769, been appointed governor and captain-general of the province of Louisiana, with "special power to establish in this new part of the king's dominions, with regard to the military force, police, administration of justice, and finances, such a form of government as might most effectually secure its dependence and subordination, and promote the king's service and the happiness of his subjects."

The Intendant of the province was Don Francisco de Loyola.

Don Manuel Joseph de Uristia, and Don Felix de Rey, accompanied the captain-general as his assessors or legal advisers in the judicial functions of his office, and his authority was supported by a military force equal to three times the number of persons capable of bearing arms in the colony. We have seen that he took possession of it, with as little opposition or difficulty, as if he had been a French governor, coming to supersede a former one.

He was waited upon, by every class of inhabitants, with respectful submission. A canopied seat was placed in the largest hall of the house he occupied, where he held a numerous levé, at which the ladies were not unfrequent attendants. An undisturbed tranquillity seemed to prevail. Surprise, and afterwards anxiety, were excited by his delay to comply with the promise in his message from the Balise, to publish, after he had taken possession of the province, the ultimate intentions of his sovereign.

One of the first acts of his administration was an order for a census of the inhabitants of New-Orleans. It was executed with great accuracy. It appeared

that the aggregate population amounted to three thousand one hundred and ninety persons, of every age, sex and colour. The number of free persons was nineteen hundred and two; thirty-one of whom were black, and sixty-eight of mixed blood. There were twelve hundred and twenty-five slaves, and sixty domesticated Indians. The number of houses was four hundred and sixty-eight: the greatest part of them were in the third and fourth streets from the water, and principally in the latter.

No census was taken in the rest of the province; but from a reference to the preceding and succeeding years, the following statement is believed to be correct:

| | |
|--|--------|
| In the city of New-Orleans, as before, | 3190 |
| From the Balize to the city, | 570 |
| Bayou St. John and Gentilly, | 307 |
| Tchoupitoulas, | 4192 |
| St. Charles, | 639 |
| St. John the Baptist, | 544 |
| La Fourche, | 267 |
| Iberville, | 376 |
| Pointe Coupee, | 783 |
| Attakapas, | 409 |
| Avoyelles, | 314 |
| Natchitoches, | 811 |
| Rapides, | 47 |
| Washita, | 110 |
| Arkansas, | 88 |
| St. Louis, (Illinois,) | 891 |
| | <hr/> |
| | 13,538 |

Towards the last day of August, the people were alarmed by the arrest of Foucault, the commissary-

general and ordonnateur, De Noyant and Boisblanc, two members of the superior council; La Freniere, the attorney-general, and Braud, the king's printer. These gentlemen were attending O'Reilly's levé, when he requested them to step into an adjacent apartment, where they found themselves immediately surrounded by a body of grenadiers, with fixed bayonets, the commanding officer of whom informed them they were the king's prisoners. The two first were conveyed to their respective houses, and a guard was left there: the others were imprisoned in the barracks.

It had been determined to make an example of twelve individuals; two from the army, and an equal number from the bar; four planters, and as many merchants. Accordingly, Marquis and De Noyant, officers of the troop; La Freniere, the attorney-general, and Doucet, (lawyers,) Villere, Boisblanc, Mazent and Petit, (planters,) and John Milhet, Joseph Milhet, Caresse and Poupet, (merchants,) had been selected.

Within a few days, Marquis, Doucet, Petit, Mazant, the two Milhets, Caresse and Poupet, were arrested and confined.

Villere, who was on his plantation at the German Coast, had been marked as one of the intended victims; but his absence from the city rendering his arrest less easy, it had been determined to release one of the prisoners on his being secured. He had been apprised of the impending danger, and it had been recommended to him to provide for his safety by seeking the protection of the British flag waving at Manchac. When he was deliberating on the step it became him to take, he received a letter from Aubry, the commandant of the French troops, assuring him he had nothing to apprehend, and advising him to re-

turn to the city. Averse to flight, as it would imply a consciousness of guilt, he yielded to Aubry's recommendation and returned to New-Orleans; but as he passed the gate, the officer commanding the guard arrested him. He was immediately conveyed on board of a frigate that lay at the levee. On hearing of this, his lady, a grand daughter of La Chaise, the former commissary-general and ordonnateur, hastened to the city. As her boat approached the frigate, it was hailed and ordered away. She made herself known, and solicited admission to her husband, but was answered she could not see him, as the captain was on shore, and had left orders that no communication should be allowed with the prisoner. Villere recognised his wife's voice, and insisted on being permitted to see her. On this being refused, a struggle ensued, in which he fell, pierced by the bayonets of his guards. His bloody shirt thrown into the boat, announced to the lady that she had ceased to be a wife; and a sailor cut the rope that fastened the boat to the frigate.

O'Reilly's assessors heard and recorded the testimony against the prisoners, and called on them for their pleas.

The prosecution was grounded on a statute of Alfonso the eleventh, which is the first law of the seventh title of the first partida, and denounces the punishment of death and confiscation of property against those who excite any insurrection against the king or state, or take up arms under pretence of extending their liberty or rights, and against those who give them any assistance.

Foucault pleaded he had done nothing, except in his character of commissary-general and ordonateur

of the king of France in the province, and to him alone he was accountable for the motives that had directed his official conduct. The plea was sustained; he was not, however, released; and a few days afterwards, he was transported to France.

Braud offered a similar plea, urging he was the king of France's printer in Louisiana. The only accusation against him, was that he had printed the petition of the planters and merchants to the superior council, soliciting that body to require Ulloa to exhibit his powers, or depart. He concluded that he was bound, by his office, to print whatever the ordonnateur sent to his press; and he produced that officer's order to print the petition. His plea was sustained, and he was discharged.

The other prisoners declined also the jurisdiction of the tribunal before which they were arraigned: their plea was overruled. They now denied the facts with which they were charged, contended that if they did take place, they did so while the flag of France was still waving over the province, and the laws of that kingdom retained their empire in it, and thus the facts did not constitute an offence against the laws of Spain; that the people of Louisiana could not bear the yokes of two sovereigns; that O'Reilly could not command the obedience, nor even the respect of the colonists, until he made known to them his character and powers; and that the Catholic king could not count on their allegiance, till he extended to them his protection.

It had been determined at first, to proceed with the utmost rigour of the law against six of the prisoners; but, on the death of Villere, it was judged sufficient to do so against five only. The jurisprudence of Spain authorising the infliction of a less severe

punishment than that denounced by the statute, when the charge is not proved by two witnesses to the same act, but, by one with corroborating circumstances. Accordingly, two witnesses were produced against De Noyant, La Freniere, Marquis, Joseph Milhet and Caresse. They were convicted; and O'Reilly, by the advice of his assessor, condemned them to be hanged, and pronounced the confiscation of their estates.

The most earnest and pathetic entreaties were employed by persons in every rank of society, to prevail on O'Reilly to remit or suspend the execution of his sentence till the royal clemency could be implored. He was inexorable; and the only indulgence that could be obtained, was, that death should be inflicted by shooting, instead of hanging. With this modification, the sentence was carried into execution on the twenty-eighth of September.

On the morning of that day, the guards, at every gate and post of the city, were doubled, and orders were given not to allow any body to enter it. All the troops were under arms, and paraded the streets or were placed in battle array along the levee and on the public square. Most of the inhabitants fled into the country. At three o'clock of the afternoon, the victims were led, under a strong guard, to the small square in front of the barracks, tied to stakes, and an explosion of musketry soon announced to the few inhabitants who remained in the city, that their friends were no more.

Posteriority, the judge of men in power, will doom this act to public execration. No necessity demanded, no policy justified it. Ulloa's conduct had provoked the measures to which the inhabitants had re-

sorted. During nearly two years, he had haunted the province as a phantom of dubious authority. The efforts of the colonists, to prevent the transfer of their natal soil to a foreign prince, originated in their attachment to their own, and the Catholic king ought to have beheld in their conduct a pledge of their future devotion to himself. They had but lately seen their country severed, and a part of it added to the dominion of Great Britain; they had bewailed their separation from their friends and kindred; and were afterwards to be alienated, without their consent, and subjected to a foreign yoke. If the indiscretion of a few of them needed an apology, the common misfortune afforded it.

A few weeks afterwards, the proceedings against the six remaining prisoners were brought to a close. One witness only deposing against any of them, and circumstances corroborating the testimony, Boisblanc was condemned to imprisonment for life; Doucet, Mazent, John Milhet, Petit and Poupet were condemned to imprisonment for various terms of years. All were transported to Havana, and cast into the dungeons of the Moro Castle.

Conquered countries are generally allowed, at least during a few years, to retain their former laws and usages. Louis the fifteenth, in his letter to d'Abadie, had expressed his hope, and declared he expected it from the friendship of the king of Spain, that, for the advantage and tranquility of the inhabitants of Louisiana, orders would be given to the governors and other officers sent to the province, that the inferior judges, as well as those of the superior council, should be allowed to administer justice according to

the laws, forms, and usages of the colony. It is oppressive, in the highest degree, to require that a community should instantaneously submit to a total change in the laws that hitherto governed it, and be compelled to regulate its conduct by rules of which it is totally ignorant.

Such was, however, the lot of the people of Louisiana. A proclamation of O'Reilly, on the twenty-first of November, announced to them that the evidence received during the late trials, having furnished full proof of the part the superior council had in the revolt during the two preceding years, and of the influence it had exerted in encouraging the leaders, instead of using its best endeavours to keep the people in the fidelity and subordination they owed to the sovereign, it had become necessary to abolish that tribunal, and to establish, in Louisiana, that form of government and mode of administering justice prescribed by the laws of Spain, which had long maintained the Catholic king's American colonies in perfect tranquillity, content, and subordination.

The premises might be true, but the conclusion was certainly illogical. The indiscreet conduct of a few of the members of the council, the violent measures adopted by some of the inhabitants, could not certainly be attributed to the organization of that tribunal, nor to the laws, customs and usages that had hitherto prevailed in the province. Aubry was about to depart; and were he to stay, the presidency of the council would not belong to him, but to the Spanish chief. Foucault had been transported; La Freniere and De Noyant shot; and Boisblanc was in the dungeons of the Moro Castle. Nothing compelled the new sovereign to retain any of the old members as judges.

The proclamation mentioned, that to the superior council a cabildo would be substituted, and be composed of six perpetual regidores, two ordinary alcades, an attorney-general-syndic, and a clerk; over which the governor would preside in person.

The offices of perpetual regidor and clerk were to be acquired by purchase, and for the first time, at auction. The purchaser had the faculty of transferring his office, by resignation, to a known and capable person, paying one half of its appraised value on the first, and one third on every other mutation.

Among the regidores were to be distributed the offices of *Alferez real*, or royal standard-bearer; principal provincial alcade; *Alguazil mayor*, or high sheriff; depositary-general, and receiver of fines.

The ordinary alcades and attorney-general-syndic, were to be chosen on the first day of every year by the cabildo, and were always re-eligible by its unanimous vote, but not by the majority, unless after the expiration of two years. At such elections, the votes were openly given and recorded.

The ordinary alcades were individually judges within the city, in civil and criminal cases, where the defendant did not enjoy and claim the privilege of being tried by a military or ecclesiastical judge, *fuero militar*, *fuero ecclesiastico*. They heard and decided in their chambers summarily, and without any written proceeding, all complaints in which the value of the object in dispute did not exceed twenty dollars. In other cases, proceedings before them were recorded by a notary; and in an apartment set apart for this purpose, and where the value of the object in dispute exceeded ninety thousand maravedis, or three hundred and thirty dollars and eighty-eight cents, an appeal lay from their decision to the cabildo.

This body did not examine itself the judgment appealed from, but chose two regidores, who, with the alcade who had rendered it, reviewed the proceedings; and if he and either of the regidores approved the decision, it was affirmed.

The cabildo sat every Friday, but the governor had the power of convening it at any time. When he did not attend it, one of the ordinary alcades presided, and immediately on the adjournment, two regidores went to his house and informed him of what had been done.

The ordinary alcades had the first seats in the cabildo, immediately after the governor; and below them the other members sat, in the following order: The alferéz real, principal provincial alcade, alguazil mayor, depositary-general, receiver of fines, attorney-general-syndic, and clerk.

The office of alferéz real was merely honorary, no other function being assigned to the incumbent but the bearing of the royal standard in a few public ceremonies. The principal provincial alcade had cognisance of offences committed without the city; the alguazil mayor executed personally or by his deputies, all processes from the different tribunals. The depositary general took charge of all moneys and effects placed in the custody of the law. The functions of the receiver general are pointed out by his official denomination. The attorney-general-syndic was not, as might be supposed from his title, the prosecuting officer of the crown. His duty was to propose to the cabildo such measures as the interest of the people required, and defend their rights.

The regidores received fifty dollars each, annually, from the treasury. The principal provincial alcade, *alguazil mayor*, depositary general, receiver of fines,

and ordinary alcades, were entitled, as such, to fees of office.

The king had directed a regiment to be raised in the province, under the style of the Regiment of Louisiana, and had made choice of Don J. Estecheria as its colonel. This officer not having as yet arrived, Unzaga regulated its organization, and assumed the provisional command. A number of commissions for officers in this regiment were sent by O'Reilly. They had been filled with the names of such inhabitants as Ulloa had recommended. These commissions were cheerfully accepted; the pay and emoluments in the colonial regiments of Spain being much more considerable than in the French. The ranks of the regiment were soon filled, soldiers in the service of France and in the regiments brought by O'Reilly being permitted to enlist in it.

The supplies which the Spanish government had destined to its military force in Louisiana were unaccountably delayed. The dearth of provisions in New-Orleans became excessive, owing to an increase of population, much larger than that of the city before the arrival of the Spaniards. Flour rose to twenty dollars the barrel. A momentary relief was obtained by the arrival of Oliver Pollock, in a brig from Baltimore, with a cargo of that article, who offered the load to O'Reilly on his own terms. He declined accepting it thus, and finally purchased it at fifteen dollars the barrel. O'Reilly was so well pleased with the bargain, that he told Pollock he should have a free trade to Louisiana as long as he lived, and a report of his conduct on this occasion would be made to the king.

The *cabildo* held its first session on the first of December, under the presidency of O'Reilly. The regidors' offices had been purchased by Don Francisco Maria Reggio, Don Pedro Francisco Olivier de Vezue, Don Carlos Juan Bautista Fleurian, Don Antonio Bienvenu, Don Jose Ducros, and Don Dyonisio Braud. Don Juan Bautista Garic, who had held the office of clerk of the superior council, had acquired the same office in the *Cabildo*.

Reggio was *alferez real*; De Vezin, principal provincial alcade; Fleurian, *alguazil mayor*; Ducros, depositary general; and Bienvenue, receiver of fines.

Don Louis de Unzaga, colonel of the regiment of Havana, one of those who had come with O'Reilly, had the king's commission as governor of the province, but was not authorised to enter upon the duties of that office, until the departure of O'Reilly, or the declaration of his will. Immediately after the installation of the *cabildo*, he made this declaration, and yielded the chair of that tribunal to Unzaga.

O'Reilly never came to the *cabildo* afterwards. Unzaga exercised the functions of governor; but the former, as captain-general, continued to make regulations.

He caused a set of instructions, which Don Jose de Uristia and Don Felix de Rey had prepared by his order, to be published. They related to the institution of, and proceedings in, civil and criminal actions, according to the laws of Castille and the Indies, and for the government of judges, officers and parties, till by the introduction of the Spanish language in the province, they might have the means of acquiring a better knowledge of those laws. To them was an-

nexed a compendious abridgment of the criminal laws, and a few directions in regard to last wills and testaments.

From this period, it is believed the laws of Spain became the sole guide of the tribunals in their decisions. As these laws, and those of France, proceed from the same origin, the Roman code, and there is a great similarity in their dispositions in regard to matrimonial rights, testaments and successions, the transition was not perceived before it became complete, and very little inconvenience resulted from it.

The provincial officers of Louisiana were, besides the captain-general, a governor, vested with civil and military powers; an intendant, charged with the administration of the revenue and admiralty matters, the same person acting often in the double capacity of governor and intendant; an auditor of war and assessor of government, whose duty it was to furnish legal advice to the governor, the first in military, the second in civil affairs; an assessor of the intendancy, who rendered a like service to the intendant. Professional characters being very few in Louisiana, the same individual often acted as auditor of war and assessor of the government and intendancy, and he also assisted the cabildo, principal, provincial, and ordinary alcades; a secretary of the government and one of the intendant; a treasurer and a *contador* or comptroller; a store keeper and a purveyor; a surveyor general; a harbour master; an interpreter of the French and English languages, and an Indian interpreter; three notaries public; a collector and comptroller of the customs; a cashier; *guarda mayor*, searcher, and notary to the custom house.

Every officer who received a salary of more than

three hundred dollars a year, was appointed by the crown; others were so, by the governor or intendants in their respective departments.

The governor exercised judicial powers in civil and criminal matters throughout the province, as did the intendant in fiscal and admiralty, and the vicar-general in ecclesiastical. These officers were sole judges, in their respective courts. The two former were assisted by an auditor or assessor, whose opinion they might, on their own responsibility, disregard.

In every parish, an officer of the army or militia, of no higher grade than a captain, was stationed as civil and military commandant. His duty was to attend to the police of the parish and preserve its peace. He was instructed to examine the passports of all travellers, and suffer no one to settle, within his jurisdiction, without the license of the governor. He had jurisdiction of all civil cases in which the value of the object in dispute did not exceed twenty dollars. In more important cases, he received the petition and answer, took down the testimony, and transmitted the whole to the governor, by whom the record was sent to the proper tribunal. He had the power to punish slaves, and arrest and imprison free persons charged with offences, and was bound to transmit immediate information of the arrest, with a transcript of the evidence, to the governor, by whose order the accused was either discharged or sent to the city. They acted also as notaries public, and made inventories and sales of the estates of the deceased, and attended to the execution of judgments rendered in the city against defendants who resided in the parish.

When the commandant was taken from the army, he continued to receive the pay and emoluments of his rank. When he was not, and had not any pen-

sion from the king, an annual sum of one hundred dollars was paid to him from the treasury, for stationery and other small expenses. All were entitled to fees in the exercise of judicial and notarial functions.

The Spanish language was ordered to be employed by all public officers in their minutes; but the use of the French was tolerated in the judicial and notarial acts of commandants.

Towards the middle of December, O'Reilly left the city to visit the settlements of the German and Acadian coasts, Iberville and Pointe Coupee.

On the first of January, the cabildo made choice of Lachaise, a grand-son of the former commissary-general and ordonnateur, and St. Denis, as ordinary alcades for the year 1770.

Don Cecilio Odoardo arrived with a commission of auditor of war and assessor of the government; and Don Joseph de Uristia and Don Felix de Rey sailed for Havana.

Meetings of the most notable planters were convened, on the arrival of O'Reilly, in each parish, on his way up the river. Altho' his conduct at New-Orleans was ill calculated to attach the people to the sovereign whom he represented, he was everywhere received with dumb submission: but they did not appear very anxious to improve the opportunity, which his visit was intended to offer, or make him any communication or remonstrance.

A number of French soldiers enlisted in the Spanish service. Many were discharged and received grants of land. Those who did not choose to remain under the authority of the Catholic king, were offered the alternative of a passage to France or Hispaniola.

Aubry sailed with those who preferred returning home. The artillery was put on board of a vessel which carried those who were destined for St. Domingo. She was never after heard of.

Bobé Descloseaux, who had acted, during a short time, as commissary-general and ordonnateur, on the death of Larouvière in 1759, remained in New-Orleans, by order of the French, and with the consent of the Spanish king, to attend to the redemption of the paper securities, emitted by the former colonial administration; a very considerable quantity of which was still in circulation.

Peter Chester, on the death of governor Elliot of West Florida, succeeded him in the latter part of January.

On his return, O'Reilly published, on the 8th of February, a number of regulations, in regard to the grant of vacant land.

To every family, coming to settle in the province, a tract was to be granted of six or eight arpents in front, on the Mississippi, with a depth of forty; on condition that the grantee should, within three years, construct a levee and finish a highway of forty feet, at least, in width, with parallel ditches towards the levee, and on the opposite side, with bridges at regular distances, and enclose and clear the whole front of the grant to the depth of two arpents at least.

The arable land, on the points formed by the river, having but little depth, it was provided that grants might be made there of twelve arpents in front, or the land was granted to the owners of the adjacent tracts, in order to secure an uninterrupted continuation of the levee and highway.

In order to secure an early compliance with the conditions of the grants, the grantee was declared in-

capable of alienating the land until the stipulated improvements were made.

Grants of a square league were authorised in the districts of Attakapas, Opelousas and Natchitoches, where the inhabitants paid more attention to raising cattle than to the culture of the soil. Where the land was less than a league in depth, the grant was of two leagues in front, with a depth of half a league. But no grant of forty-two arpents in front and depth was authorised to be made to any person who was not the owner of one hundred head of tame horned cattle, a few horses and sheep, and two slaves.

All cattle were required to be branded by the owner before the age of eighteen months; and all older unbranded cattle were declared unclaimable.

Nothing being thought more injurious to the people than strayed cattle, without the destruction of which the tame ones cannot increase, time was given till the first day of June, 1771, to collect the strays; after which period, it is declared they may be considered as wild, and killed by any one: none may oppose it, or claim property in such cattle.

All grants are to be made, in the king's name, by the governor of the province, who is, at the same time, to appoint a surveyor to fix the boundaries both in front and depth, in presence of the ordinary judge of the district, and in that of the two adjoining settlers, who are to be present at the survey, and are to subscribe the process verbal which is to be made. The surveyor is directed to make three copies of it, one of which is to be deposited in the office of the clerk of the cabildo, another in that of the governor, and the third delivered to the grantee.

In a proclamation of the twenty-second of Februa-

ry, the captain-general assigned a revenue to the city of New-Orleans. It was to consist of an annual tax of forty dollars on every tavern, billiard table, and coffee-house; another of twenty dollars on every boarding-house; an imposition of one dollar on every barrel of brandy brought to the city; and a tax of three hundred and seventy dollars, to which the butchers voluntarily submitted, under an express declaration that they thereby meant to authorise no alteration now or thereafter in the price of meat, which they said ought not ever to take place without necessity.

To enable the city to defray the expenses necessary to keep up the levee, an anchorage duty was granted to it, of six dollars upon every vessel of two hundred tons and upwards, and half that sum on smaller ones.

O'Reilly further granted to the city, in the king's name, the ground on both sides of the public square, or place d'armes, from Levee to Chartres and Conti streets, having a front of three hundred and thirty-six feet on the square, and eighty-four feet in depth. The ground was soon afterwards sold on a perpetual yearly rent. Don Andre Almoester became the purchaser of it.

By a special proclamation, the black code, given by Louis the fifteenth to the province, was re-enacted.

With the view of putting an end, in some degree, to the practice of the Indians of dooming prisoners of war to death, with cruel and protracted torments, the colonial government allowed the colonists to purchase and hold them as slaves; and there was a considerable number of them in the possession of

planters. O'Reilly, by a special proclamation, declared that the practice of reducing Indians to slavery, was contrary to the wise and pious laws of Spain; but that until the pleasure of the sovereign was manifested, the owners of such slaves might retain them.

With the view of guarding against the introduction of foreigners into the province, all persons were prohibited to receive or entertain any foreigner not provided with a passport from the governor, or to furnish him with any horse, or land or water carriage.

It was also expressly prohibited to purchase any thing from persons navigating the Mississippi, or lakes, without a passport: it was, however, permitted to sell fowls and other provisions to boats or vessels, provided the fowls or provisions were delivered on the bank of the river, and payment received in money.

A fine of one hundred dollars, and the confiscation of the articles purchased, was denounced against the delinquent, one third of the whole being the reward of the informer.

A. number of police regulations were made.

No change took place in the ecclesiastical government of the province. Father Dagobert, the superior of the capuchins, was permitted to continue in the exercise of his pastoral functions, as curate of New-Orleans, and in the administration of the southern part of the diocese of Quebec, of which the bishop had constituted him vicar-general. The other capuchins were maintained in the curacies of their respective parishes.

[The attendance of the Ursuline nuns, in the hospital, according to a bull they had obtained from the pope, was dispensed with; the services of these ladies had become merely nominal, being confined to the daily attendance of two nuns, during the visit of the king's physician. Having noted his prescriptions, they withdrew, contenting themselves with sending from the dispensary, which was kept in the convent, the medicines he had ordered. The Catholic king had directed that two nuns should be maintained at his expense; for each of whom, sixteen dollars were be paid, monthly, to the convent out of his treasury.

Don Francisco de Loyola died, and was succeeded in the intendancy, *per interim*, by Gayarre, the contador.

By a vessel from Bordeaux, the colonists were informed, in the latter part of the spring, of the fate of their late chiefs. The conduct of Foucault had been disapproved by his sovereign, and he had been lodged in the bastille, where he was still confined. The vessel, in which Aubry had sailed, foundered in the Garonne, near the tower of Cordovan. Every one on board perished, except the captain, doctor, a serjeant, and two sailors. The king evinced his sense of Aubry's services, by pensions to his brother and sister. He had served in Canada and Illinois before he came to Louisiana, and was at Fort Duquesne, when it was attacked by the British under General Forbes.

O'Reilly took passage in the summer, with all the troops he had brought, except twelve hundred men, who were left for the service of the province, leaving behind no favourable impression of the government

by whom he was sent. Most of the merchants and mechanics of New-Orleans had withdrawn to Cape Francois, in the island of Hispaniola. Many of the easiest planters (for there were no wealthy ones) had followed them; and the emigration was so great, that O'Reilly, a few days before his departure, determined to check it, by withholding passports from applicants. This measure excited great uneasiness, and a general dissatisfaction pervaded every class of society. The motto on his coat of arms was *Fortitudine et Prudentia*. He does not appear to have attended to the admonition it contained. It is in the combined practice of both these virtues, that those who rule others find their greatest glory; because it best promotes the felicity of the people. The chief, who attends alone to the display of the former, may obtain a momentary glaire, but will sooner or later find himself disappointed, and the people will be the victims of his error.

The year 1770 is remarkable in the annals of North America, by the first effusion of blood, in the dissensions between Great Britain and her colonies, which originated in the passage of the stamp act, soon after the peace of Paris, and terminated in the independence of the latter. The inhabitants of Boston viewed with displeasure two British regiments quartered there. Frequent quarrels had arisen between them and the soldiers. On the fourth of March, an affray took place, near the barracks, which brought out a part of the main guard, between whom and the townsmen blows ensued. The soldiers fired; three of the inhabitants were killed, and five dangerously wounded. The alarm bells were immediately rung, the drums beat to arms, and an immense multi-

tude assembled. Inflamed with rage at the view of the dead bodies, they were with difficulty prevented, by their most influential friends, from rushing on the troops. The officer of the guard and the soldiers who had fired were apprehended. He and six of the men were acquitted: two were found guilty of manslaughter.

Archives—Gazettes—Marshal.

CHAPTER II.

Buccareilly.—Doucet and his companions released.—Commerce of New-Orleans.—Royal Schedule.—Marquis de la Torre—Hurricane—Spanish language.—Bishoprick of Cuba.—Bobe Descloseaux.—Daniel Boone.—Tea destroyed in Boston.—Fagot de la Gariniere.—Grant of lands.—Creeks and Chickasaws.—First Congress in Philadelphia—Parliamentary proceedings.—General Gage.—General Lyman.—Battles of Lexington and Bunkerhill.—Invasion of Canada.—Olivier de Vezin.—La Barre de la Cestiere.—Don Bernard de Galvez.—Unzaga promoted.—The British land on Long Island.—Battle of Brooklyn—Washington evacuates New-York, and crosses the Hudson.—Attack at Trenton.

O'Reilly's commission having a particular object, which was now accomplished, Don Antonio Maria Buccareilly, captain-general of the island of Cuba, succeeded him, as captain-general of the province of Louisiana.

An appeal lay in certain cases from the tribunals of the province to the captain-general; from him to the royal audience in St. Domingo, in the island of Hispaniola; and from thence to the council of the Indies in Madrid.

Charles the third disapproved of O'Reilly's conduct, and he received, on his landing at Cadiz, an order prohibiting his appearance at court.

The ordinary alcades for the year 1771, were Chabert and Forstall.

The colonists now heard with pleasure that Foucault had been released from his confinement in the bastille, in which he had remained eighteen months; that the eldest son of Mazent, who was in the Moro Castle, under O'Reilly's sentence of imprisonment, had gone to Madrid, thrown himself at the feet of the king, and solicited his father's pardon, offering, if another victim was indispensable, to take his place. His application was seconded by the court of France, and all those who had been sent from Louisiana to the Moro Castle received a pardon.

Foucault had gone to the island of Bourbon, in the capacity of commissary-general and ordonateur.

None of the other prisoners, now liberated, returned to Louisiana. Most of them settled in Cape Francois.

The commerce of the province suffered greatly from the restrictive system of Spanish regulations. By a royal schedule, which Ulloa had published in New-Orleans, on the sixth of September, 1766, the trade of Louisiana had been confined to six ports of the peninsula. These were Seville, Alicant, Carthagena, Malaga, Barcelona, and Coruna; and no trade was to be carried on in any other than Spanish built vessels, owned and commanded by the king's subjects. Vessels sailing to or from Louisiana, were prohibited from entering any other port in the Spanish dominions in America, except in case of distress, and they were then subjected to strict examination and heavy charges.

By a royal schedule of the twenty-third of March, 1768, however, the commerce of Louisiana had been favored by an exemption from duty, on any foreign or

Spanish merchandise, both in the exportation from any of the ports of the peninsula, to which the commerce of the province was permitted, and on the importation into New-Orleans; but the exportation of specie or produce was burdened with a duty of four per cent.

Permission had lately been granted for the admission, of two vessels from France every year.

The merchants of New-Orleans complained of this restrictive system, as very oppressive. They could not advantageously procure, in any of the six ports of the peninsula, named in the schedule of 1766, the merchandise they wanted, nor find there a vent for the produce of the province. The indigo of Louisiana was in no great demand in any port of Spain, where that article might be procured of a much better quality from Guatemala, Caraccas, and other provinces on the main. Furs and peltries were with difficulty sold or preserved in so warm a climate, and timber and lumber could not well bear the expense of transportation to such distant countries. They also complained that the British engrossed all the trade of the Mississippi.

Vessels of that nation were incessantly plying on that stream. Under the pretence of trading to those ports, on the left bank, over which their flag was displayed, they supplied the people in the city and on the plantations, above and below, with goods and slaves. They took in exchange whatever their customers had to spare, and extended to them a most liberal credit, which the good faith of the purchasers amply justified. Besides very large warehouses near the ports at Manchac, Baton Rouge and Natchez, and a number of vessels constantly moored a short distance above New-Orleans, opposite to the

spot now known as the fauxbourg La Fayette, the British had two large ones, or floating warehouses, the cabins of which were fitted up with shelves and counters, as a store. These constantly plied along the shore, and at the call of any planter, stopped before his door.

About one hundred and sixty thousand dollars were brought annually from Vera Cruz, since the arrival of O'Reilly, for defraying the expenses of the colonial government: the indigo crops were worth about one hundred and eighty thousand: furs and peltries were exported to the amount of two hundred thousand: one hundred thousand were received for timber, lumber and provisions. All this formed an aggregate of seven hundred thousand dollars to pay for imported goods, which was entirely enjoyed by British traders, except only the cargoes of two French vessels, and about fifteen thousand dollars, the value of boards shipped to Havana for sugar boxes.

Bateaux left New-Orleans for Pointe Coupee, Natchitoches, the Arkansas and St. Louis; but most of their cargoes were taken, on their way, from the British floating warehouses, or the stores at Manchac, Baton Rouge, or Natchez.

British adventurers found also, in Louisiana, the means of forming agricultural establishments, on the left bank of the Mississippi, above Manchac, where land was obtained with much facility. An individual chartered a vessel of about one hundred and fifty tons in Jamaica, for five hundred dollars. He put on board goods, and about twenty or thirty slaves, which he obtained on credit. Entering the Mississippi with these, he disposed of the goods and three-fourths of the slaves, and received in exchange, produce sufficient to pay for the whole and the hire of his

vessel. With five or six slaves, he began a plantation, obtaining credit, in a store near it, for his farming utensils, and the means of procuring some cattle and his subsistence till he made a crop. After a few years he was a farmer in easy circumstances.

The British owed to this trade, with the former subjects of France, much, if not all, their establishments on the left bank of the Mississippi, besides the great advantages they derived from its navigation. A French trader durst not shew the flag of his nation, and was compelled to charter a British bottom, and load her with goods; but the British merchant who sold them, and was certain to be paid, realised much greater profits.

Unzaga winked at this infraction of the commercial and revenue laws of Spain, and disregarded the clamours of the merchants of New-Orleans, who suspected that the indulgence shewn to British traders was not gratuitous.

The ordinary alcades, chosen by the cabildo, for the year 1772, were Amelot and the Chevalier de Villiers.

On the promotion of Buccareilly to the vice-royalty of Mexico, the Marquis de la Torre succeeded him as captain-general of the island of Cuba and the province of Louisiana.

Col. Estecheria arrived, and assumed the command of the regiment of Louisiana.

Most of the forces which O'Reilly had left in New-Orleans sailed for Havana.

The country was desolated, in the summer of this year, by a hurricane, of which Roman has preserved the details. It began on the last day of August, and continued until the third of September. It was not,

however, felt in New-Orleans, where the weather continued fine, though the wind blew very high from the east. In lake Ponchartrain and the passes of the Rigolets and Chef Menteur, the water rose to a prodigious height, and the islands in the neighbourhood were several feet under water. The vessels, at the Balize, were all driven into the marshes, and a Spanish ship foundered, and every person on board perished. Along the coast, from lake Borgne to Pensacola, the wind ranged from south south-east and east; but farther west it blew with greatest violence, from north north-east and east. A schooner, belonging to the British government, having a detachment of the sixteenth regiment on board, was driven westerly as far as Cat island, under the western part of which she cast anchor; but the water rose so high that she parted her cable and floated over the island. The wind entirely destroyed the woods for about thirty miles from the sea shore. At Mobile, the effects of it were terrible. Vessels, boats, and logs were drawn up the streets to a great distance. The galleys and hollows, as well as the lower grounds of the town, were so filled with logs, that the inhabitants easily provided themselves with their winter supply of fuel. The salt spray was carried, by the wind, four or five miles from the sea shore, and then descended in showers.

For thirty miles up a branch of the Pascagoula, which, from the number of cedar trees on its bank, is called Cedar creek, there was scarcely a tree left standing: the pines were thrown down or broken; and those trees which did not entirely yield to the violence of the wind, were twisted like ropes.

But the most singular effect of this hurricane, was the production of a second growth of leaves and fruit

on the mulberry trees. This hardy tree budded, foliated, blossomed and bore fruit within four weeks after the storm.

With the view of promoting the instruction of the rising generation in the Spanish tongue, a priest was brought over from Spain, at the king's expense, who, with two assistants, taught the elements of that language. Four young women were also sent from Havana, who took the veil in the convent of the Ursuline nuns of New-Orleans, and were employed in teaching Spanish to young persons of their sex.— This was the only encouragement given to learning during the whole period of the Spanish government.

The winter was so severe this year that the orange trees perished.

The breach which the stamp act had occasioned between the British North American provinces and their mother country, was daily widening; and this year, on the suggestion of the province of Massachusetts bay, committees were appointed within the others, for the purpose of correspondence and the organization of a system of resistance to the measures adopted by parliament.

Duplessis and Doriocourt were the ordinary aides chosen on the first of January, 1773.

It being deemed improper that a Spanish province should continue to form a part of a French bishoprick, Louisiana was now separated from that of Quebec, and annexed to that of Cuba, and Don Santiago Joseph de Echevaria, the incumbent of the latter see, appointed Father Dagobert his vicar-general in the province.

Bohe Descloseaux, who had remained in New-

Orleans to attend to the redemption of the bills of credit emitted by the French government, having previously obtained the consent of his sovereign, now sailed for Cape Francois. Amelot, an engineer, and Garderat, a major of infantry, took passage in the same ship, with the widow of Carlier, the former comptroller of the marine, her two daughters, and a few other French officers, who had been detained by their private concerns. Neither the ship nor any of the passengers were ever heard of, after she left the Balize.

Time, and Unzaga's mild administration, began to reconcile the colonists to their fate. The resources which they found in a clandestine trade with the British, and the sums brought from Vera Cruz to meet the expenses of government, circulating in the country, had enabled many planters to extend their establishments. But many had employed for this purpose the proceeds of their crops, which justice required to be reserved for the discharge of their debts. To the difficulties which indiscretion had created, were superadded those that were occasioned by the ravages of the late hurricane. The disappointed creditors became clamorous, and some began to attempt coercing payment by legal measures. Over these, the influence of a governor of a Spanish colony is very great. Unzaga exerted his, in allaying the clamours of injured creditors, without distressing honest debtors, by employing coercion against those only who were able, but unwilling to discharge their debts. He gave evidence of his impartiality in this respect, by compelling St. Maxent, a wealthy planter, whose daughter he had married and who sought to avail himself of this circumstance to bid defiance to his creditors. In this manner, he obtained indulgence for those debtors who really required it.

Daniel Boone, with his family and four others, and about forty-five men from Powell's Valley, began this year the first settlement on Kentucky river.

The British East India company having made large shipments of tea to Boston, New-York, Philadelphia and Charleston, the people in these cities opposed its landing. In the first, they went much farther. On hearing of the arrival of the company's ships there, it was voted, by acclamation, in a numerous meeting of the inhabitants, that the tea should not be landed; nor the duties on it paid; but that it should be sent back in the same vessels in which it had been brought. On the adjournment of the meeting, an immense crowd repaired to the quay, and a number of the most resolute, disguised as Mohawk Indians, boarded the ships; and, in about two hours, broke open three hundred and forty boxes of tea, and discharged the contents into the sea.

The cabildo made choice of Forstall and Chabert, as ordinary alcades for the year 1774; and early in January, Fagot de la Gariniere, took his seat in that body, as a perpetual regidor and receiver of fines; having purchased these offices from Bienvenu, for fourteen hundred dollars.

On the tenth of May, Louis the fifteenth, the last monarch of France, who reigned over Louisiana, died, in the sixty-fifth year of his age, and was succeeded by his grand-son, the Duke of Berry, the unfortunate Louis the sixteenth.

By a royal schedule of the fourth of August, the power of granting vacant lands, in the province, was vested in the governor, according to the regulations made by O'Reilly, on the eighth of January, 1770.

The Creeks and Chickasaws, this year, sent a number of their chiefs to Charleston, in South Carolina, where they made a cession to the British of several millions of acres of valuable land, in payment of their debts to traders of that nation.

Early in September, delegates from twelve of the British North American provinces met in congress, in the city of Philadelphia. They prepared a petition to the king, and an address to the people of Great Britain, on the subject of their grievances.

The resentment of parliament, on hearing of the destruction of the tea at Boston, was manifested by the occlusion of that port, until reparation should be made to the East India company; and the king declared himself convinced that good order would soon be restored in the town. Another statute was passed annulling the charter of the province of Massachusetts bay, and authorising the transportation from any of the provinces, for trial in another province or in England, of any person indicted for murder, or any other capital offence. A statute was also passed, for quartering soldiers on the inhabitants. The boundaries of the province of Quebec were extended, so as to include the territory between the lakes, the Ohio and the Mississippi, and its government was vested in a legislative council, to be appointed by the crown. At the request of the Canadians, the French laws were restored to them in civil matters. Two years after, in the declaration of independence, these last measures were urged as grounds of complaint, by the American congress, against George the third, that "he had abolished the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and extending its boundaries, so as to render it at once

an example and instrument for introducing the same absolute rule in the other colonies."

In the meanwhile, General Gage fortified Boston-neck, and had the ammunition and stores in the provincial arsenal at Cambridge, and the powder in the magazine at Charleston, brought to Boston.

Dufossat and Duplessis were the ordinary alcaldes for the year 1775.

Unzaga was now promoted to the rank of a brigadier-general, and the office of intendant was united to that of governor, in his person.

There were a considerable number of runaway negroes, committing great depredations on the plantations. Unzaga, to remedy or lessen this evil, issued a proclamation offering an amnesty, or free pardon, to such as voluntarily returned to their masters, and absolutely forbidding the latter to punish them. This measure had the intended effect; altho' the slaves could not absolutely be protected from the resentment of their masters, who might easily have found a pretence for disregarding Unzaga's injunction.

We have seen, towards the end of the preceding volume, that general Lyman, of Connecticut, had contemplated, in 1763, an extensive settlement on the Ohio, and had applied to government for a grant of land. This officer had served with distinction during the preceding war. He had been appointed major-general and commander-in-chief of the forces of his native province in 1755; and, in 1762, he was at Havana, in command of all the American troops. On the return of peace, a company had by his exertions been formed, under the style of the Military Adventurers, composed chiefly of officers and soldiers who had lately served in America. Their object was to

obtain a considerable extent of territory, on which they might settle, with as large a number of their countrymen as could be induced to join them. General Lyman went to England as the agent of the company, entertaining no doubt of the success of his application. On his arrival, he found that the friends in the ministry, on whom he depended, had been removed, and those who had succeeded them had other persons to provide for, and found it convenient to forget his services, and those of his associates. Insurmountable obstacles seemed to embarrass him. At last, after a stay of several years, he obtained grants on the Mississippi and Yazoo rivers, and returned. Many of his former companions had died; several had removed to a distance; many had grown old; and all had passed that period of life, when men are willing to encounter the dangers and hardships attending the settlement of a wilderness, under a different climate, and at the distance of a thousand miles from their homes. After a short stay in Connecticut, he departed, with his eldest son and a few friends, with whom he soon formed a settlement, near Fort Panmure, in the district of Natchez.

Open hostilities broke out, this year, in the contest which terminated by the severance of thirteen British provinces from the mother country. On the 20th of April, the militia of Massachusetts routed a body of regulars at Lexington. In the month of May, the Americans possessed themselves, by surprise, of Ticonderoga; and the fortress of Crown-point surrendered to them soon after. On the first of June, congress appointed George Washington commander-in-chief of all the forces of the united colonies; and he proceeded immediately to the vicinity of Boston, where

the regular army and the militia of New-England kept the royal forces in check, and obtained a decisive advantage on the seventeenth of June, at Breed's Hill.

In the meanwhile, the provincial congresses had organised their militia, and raised a few bodies of regular troops.

Part of the force of New-York, and the adjacent provinces, under generals Wooster and Montgomery, marched into Canada, and took possession of Chambly, St. Johns, and Montreal, during the months of October and November. General Arnold, with some troops from Connecticut, crossed the wilderness and formed a junction with Wooster and Montgomery, on the right bank of the river St. Lawrence, opposite to Quebec; and crossing the stream, they made an unsuccessful attack upon the town, in which Montgomery fell, on the thirty-first day of December.

The ordinary alcades, for the year 1776, were D'Ernonville and Livaudais.

Olivier de Vezin took his seat, in the Cabildo, as perpetual regidor and principal provincial alcade; Labarre de la Cestiere, as a perpetual regidor and alguazil mayor; the Chevalier de Clapion, as a perpetual regidor and receiver of fines; and Forstall, as perpetual regidor.

Don Bernardo de Galvez succeeded Estacheria in the command of the regiment of Louisiana.

There were, at this period, a number of merchants from Boston, New-York and Philadelphia, in New-Orleans: they were all well disposed towards the American cause. Oliver Pollock was the most conspicuous. They had procured a good supply of

arms and ammunition for the settlers of the western part of Pennsylvania, which was delivered to colonel Gibson, who came from Pittsburg for it. This had been done with the knowledge of the colonial government, who gave some assistance to the colonel.

Unzaga received the appointment of captain-general of Caraccas. He was much regretted in Louisiana. His mild administration had endeared him to the colonists. He had overlooked the breach of the commercial and fiscal laws of Spain, by the British, who had entirely engrossed the commerce of the province. They had introduced a considerable number of slaves, and by the great aid they afforded to planters, had enabled most of them to extend their establishments to a degree hitherto unknown in the province, and others to form new ones. By the timely exercise of coercion against the dishonest and indolent, he had checked the profligacy of those who misused the facilities which British traders afforded, and compelled them to reduce or surrender establishments which they were unable to sustain. His conduct, in this respect, tho' not absolutely approved by the king's ministers, did not deprive him of the confidence of his sovereign. His promotion fully proved this. Without this illicit trade, Louisiana must have remained an insignificant province.

The British army evacuated Boston on the seventeenth of March, and Washington led his to New-York. The united colonies proclaimed their independence on the fourth of July. The royal land and naval forces reached Staten Island, near New-York, eight days after. The army landed on Long Island on the twenty-second, and five days after, re-

pulsed the Americans at Brooklyn. General Washington abandoned the city of New-York in September, leading his force up North river, which he crossed on the thirteenth of November, and had some success in Trenton.

Archives—Gazettes—Roman—Dwight—Marshall.

CHAPTER III.

Don Bernard de Galvez.—Don Diego J. Navarro.—Commercial regulations.—Captain Willing.—Counties of Illinois and Washington.—Battles of Princeton and Brandywine.—Philadelphia taken.—Battle of Germantown.—Surrender of Burgoyne.—Migrations from the Canary islands.—Royal schedule.—Vincennes taken.—French treaty.—Philadelphia evacuated.—Savannah taken.—Don Diego D. del Potigo.—Migration from Malaga.—War between Great Britain, France and Spain.—Galvez's success at Manchac.—Baton Rouge and Natchez.—Hurricane.—First settlement on Cumberland river.—Mobile taken.—Attack on St. Louis.—Charleston taken.—Don Juan M de Cagiga.—Siege of Pensacola.

By a royal schedule, of the tenth of July, 1776, Unzaga had been directed to surrender, provisionally, the government and intendancy of Louisiana, on his departure for the province of Caraccas, to Don Bernard de Galvez, colonel of the regiment of Louisiana. This gentleman had powerful friends. His uncle, Don Joseph de Galvez, was president of the council of the Indies; and his father, Don Mathias de Galvez, vice-roy of New Spain. He entered on the duties of his office on the first of January, 1777.

The ordinary alcades, for this year, were Forstalt and the Chevalier de Villiers.

Don Diego Joseph Navarro succeeded the Marquis de la Torre, as captain-general of the island of Cuba and province of Louisiana.

By a royal schedule of the month of March, the duty of four per cent. on the exportation of colonial produce from Louisiana, was reduced to two.

The commerce of the province was encouraged by the permission given to vessels from the French West India Islands to come in ballast to the Mississippi, and take, at New-Orleans or on the plantations, the produce of the country, paying therefor in specie, bills of exchange, or Guinea negroes. The introduction of negroes born, or who had remained some time in the islands, was already considered as dangerous, and had been prohibited. Vessels from Louisiana were also permitted to bring from the island of Cuba, or Campeachy, produce or European goods. Agriculture was also encouraged by an order to the colonial government, to purchase, for the king's account, all the tobacco raised in the colony.

This year, several large canoes came from Fort Pitt to New-Orleans, for the purpose of taking the munitions of war which had been collected for the use of the United States, by Oliver Pollock, probably with the aid, but certainly with the knowledge of Galvez. Captain Willing, of Philadelphia, who came in one of these boats, visited the British settlements on the Mississippi, and some of his companions crossed the lakes to Mobile, with the view to induce the inhabitants to raise the striped banner, and join their countrymen in the struggle for freedom. The people of both the Floridas, however, remained steadfast in their attachment to the royal cause. Perhaps those on the Mississippi and in Mobile were deterred by the late tragedy in New-Orleans. The thin and

sparse population of both the Floridas, their distance from the provinces engaged in the war, and the consequent difficulty of receiving any assistance from them, influenced the conduct of the inhabitants.

The militia of the western part of the state of Virginia, made several very successful incursions into the country to the west of the Ohio, and on the banks of the Mississippi. They possessed themselves of Kaskaskia, and some other posts on that stream, By an act of the legislature, these were afterwards erected into a county called Illinois. A regiment of infantry and a troop of horse were raised for its protection, and placed under the command of Col. Clark.

The limits of the former province of Carolina to the west, were fixed, in the charter of Charles the second, on the Pacific ocean. By the treaty between Great Britain and France, the Mississippi was given to North Carolina, as its western limit. By the proclamation of 1763, George the third had forbidden any settlement of white people to, the west of the mountains. Nevertheless, a considerable number of emigrants from North Carolina had removed to the banks of the Watauga, one of the branches of the Holston. They had increased to such a degree, that in 1776, their claim to representation in the convention that formed the constitution was admitted. This year, they were formed into a county which had the Mississippi for its western boundary.

The erection of that county by the state of North Carolina, and that of the county of Illinois by the state of Virginia, are the first instances of measures taken to extend the execution of the laws of the American states to the banks of the Mississippi.

Washington was successful in an attack near Princeton, on the twelfth of January. The British army landed on the banks of Elk river, and repulsed the Americans at Brandywine on the eleventh of September, and soon after entered Philadelphia. The Americans were again unsuccessful at Germantown on the fourth of October; but these misfortunes were in some degree compensated by their success in the north, and the surrender of the British army under Burgoyne, at Saratoga, on the twentieth.

The ordinary alcades for the year 1778, were Navarro and Dufossat.

During the month of January, captain Willing made a second visit to New-Orleans. Oliver Pollock now acted openly as the agent of the Americans, with the countenance of Galvez, who now, and at subsequent periods, afforded them an aid of upwards of seventy thousand dollars out of the royal treasury. By this means, the posts occupied by the militia of Virginia on the Mississippi, and the frontier inhabitants of the state of Pennsylvania, were supplied with arms and ammunition. New hands were engaged to row up the boats; and Willing, with most of the men who had come down, about fifty in number, engaged in a predatory excursion against the British planters on the Mississippi. They proceeded to bayou Manchac, where they captured a small vessel which they found at anchor. They went in her to Baton Rouge, stopping on their way at several plantations, where they set fire to the houses and carried off the slaves.

On hearing of their approach, the British planters, on the left bank of the Mississippi, crossed the stream with their slaves and most valuable effects. The inhabitants were so few and so scattered, that they

were unable to make any effectual resistance to the invaders, who proceeded as far as Natchez, laying waste the plantations, destroying the stock, burning the houses, and taking off such slaves as remained.

Although the government and people of Louisiana were well disposed towards the United States, this cruel, wanton, and unprovoked conduct towards a helpless community, was viewed with great indignation and horror, much increased by the circumstance of Willing having been hospitably received and entertained, the preceding year, in several houses which he now committed to the flames!

The province now received a considerable accession of population, by the arrival of a number of families, brought over at the king's expense, from the Caury islands. A part of them formed a new settlement at the *Terre-aux-Bœufs*, below New-Orleans, under the order of Marigny de Mandeville; a part was located on the banks of the river Amite, behind Baton Rouge, under the order of St. Maxent, and formed the settlement of Galveztown: the rest formed that of Valenzuela, on Bayou Lafourche.

A house was built for each family, and a church in each settlement. They were supplied with cattle, fowls and farming utensils; rations were furnished them for a period of four years out of the king's stores, and considerable pecuniary assistance was also afforded to them.

By a royal schedule of the fourth of May, the indemnity to be paid to owners of slaves condemned to death, perpetual labour, or transportation, or killed in the attempt to arrest them, when runaway, was fixed at two hundred dollars a head; but in the latter case, the indemnity was due, only, to those who had previously consented to pay a proportion of the price of slaves thus killed.

On the twentieth of April, Galvez issued a proclamation, by which, owing to the distresses of the times, and the difficulty of disposing of the produce of the province, he permitted its exportation to any of the ports of France; and by another proclamation, on the seventeenth, the permission was extended to any port of the United States.

The king made, on the eighteenth of October, new regulations for the commerce of his American dominions, and particularly for that of Louisiana. Considering it necessary, to his service, to encourage the trade of that province, and to increase its prosperity, he directed that vessels from New-Orleans should no longer be restricted to sail for one of the six ports to which they had been restricted, but might sail to any of the other ports of the peninsula, to which the commerce of the Indies was permitted. • The exportation of furs and peltries from Louisiana was at the same time encouraged, by an exemption from duty during a period of ten years; but in the re-exportation from Spain the ordinary duty was to be paid.

Two royal schedules were this year published in Louisiana. By the first, the introduction or reading of a book written by Mercier, entitled *L'an Deux Mille Quatre Cent Quarante*, was prohibited; and the governor was ordered to cause every copy of it found in the province to be seized and destroyed. The other schedule was to the same effect, in regard to Robertson's history of America. Mercier's book had been condemned by the Inquisition, and the king said he had just reason to prohibit Robertson's being read in his American dominions.

There were, at this period, a considerable number of individuals from the United States and West and East Florida and Nova Scotia, in New-Orleans.

They were all required to take an oath of fidelity to the king of Spain during their residence in his dominions, or depart. It appears the oath was taken by eighty-three individuals.

Colonel Hamilton, who commanded at the British post at Detroit, came this year to Vincennes, on the Wabash, with about six hundred men, chiefly Indians, with a view to an expedition against Kaskaskia, and up the Ohio as far as Fort Pitt, and the back settlements of Virginia. Colonel Clark heard, from a trader who came down from Vincennes to Kaskaskia, that Hamilton, not intending to take the field until spring, had sent most of his force to block up the Ohio, or to harass the frontier settlers, keeping at Vincennes sixty soldiers only, with three pieces of cannon and some swivels. The resolution was immediately taken to improve the favourable opportunity for averting the impending danger; and Clark accordingly despatched a small galley, mounting two four pounders and four swivels, on board of which he put a company of soldiers, with orders to pursue her way up the Wabash, and anchor a few miles below Vincennes, suffering nothing to pass her. He now sat off with one hundred and twenty men, the whole force he could command, and marched towards Vincennes. They were five days in crossing the low lands of the Wabash, in the neighbourhood of Vincennes, after having spent sixty in crossing the wilderness, wading for several nights up to their breasts in water. Appearing suddenly before the town, they surprised and took it. Hamilton for a while defended the fort, but was at last compelled to surrender.

The prospects of the United States had been much

brightened, on the recognition of their independence by France, and the conclusion of a treaty of alliance and commerce with that power, on the sixth of February.

In the summer, the British evacuated Philadelphia, and marched through the state of Jersey to New-York. A large detachment of it invaded the coast of the state of Georgia, and took possession of Savannah.

The cabildo made choice of Piernas and Duverger as ordinary alcades, on the first of January, 1779.

Toutant de Beauregard took his seat in that body as a perpetual regidor and principal provincial alcade; and Mazange succeeded Garic as clerk.

Don Juan Dorotheo del Porté succeeded Odoardo in the office of auditor of war and assessor of government.

According to the order made the last year, eighty-seven individuals from the United States, or British provinces, took a temporary oath of fidelity to the Catholic king.

The province, this year, received another accession of population, by the arrival of a number of families brought over, at the king's expense, from Malaga. They were treated as favourably as those who came, in the preceding year, from the Canary islands. It appears, from documents extant, that some heads of families received, besides a grant of land, in cattle, rations, pecuniary and other aid, between three and four thousand dollars. They were sent to form a settlement on bayou Teche, in the district of the Atakapas, under the order of Boulogny. The place was called New-Iberia. The industry of

the new comers was at first directed to the culture of flax and hemp; but without success.

At the same time, the king sent a spiritual relief to the province, consisting of six capuchin friars; one of whom, at this day, remains in the exercise of his pastoral functions, as curate of the parish of St. Louis in the city of New-Orleans.

The small pox made great havock in New-Orleans and on the plantations, above and below.

Great Britain had considered the recognition of the independence of the United States by France, the treaty of alliance and commerce which she had concluded with them, and the succour which she had afforded them, as equivalent to a declaration of war; and hostilities had actually begun, when Spain offered her mediation, and proposed a general peace for a term of years, with a meeting of the ministers of the belligerent powers at Madrid, to which those of the United States were to be admitted, and treated as the representatives of an independent people. Altho' it was not insisted that the king of Great Britain should formally recognise his former subjects as independent, it was understood that they should be so *de facto*, and absolutely separated from the empire of Great Britain. On the declaration by the cabinet of St. James, that no negotiation would be entered into with the United States, even under the modifications proposed, the Catholic king determined on taking a part in the war, and ordered his ambassador at London to deliver a rescript, in which, after reciting several grounds of complaint, he declared his sovereign's determination to use every means in his power to obtain justice. The ambassador left London without taking leave; and letters of marque and reprisals

against the ships and subjects of Spain were immediately issued.

On the eighth of May, war was declared by Spain; and on the eighth of July, a royal schedule was issued, authorising the king's subjects in the Indies to take part in it, the latter document reciting that the king of Great Britain had sought to indemnify himself, for the loss of his American provinces, by the seizure of those of Spain, having, by various artifices, endeavoured to raise up new enemies against her, among the Indian nations in Florida, whom he had induced to conspire against the king's innocent vassals in Louisiana.

With the official account of the rupture, Galvez, who had hitherto exercised the functions of governor *pro tempore*, received the king's commission of governor and intendant. He immediately thought of the attack of the British possessions in the neighbourhood, and convened a council of war to deliberate on it. The proposition was rejected, and the council recommended that, until a reinforcement could be obtained from Havana, defensive measures should be alone resorted to.

Impatient of the state of inaction to which the determination of the council condemned him, the chief endeavoured to collect a body of men sufficient to justify him in taking on himself the responsibility of acting in opposition to the opinion of his legal advisers. There were a number of men from the United States in and near New-Orleans, who offered their services. The militia volunteered theirs. In this manner, with the regular force and many of the people of colour, an army of about fourteen hundred men was collected. The fatigue of a forced march and the diseases incident to the climate towards the

end of the summer, considerably reduced - this force before they reached Fort Bute, on bayou Manchac, which was taken by assault on the seventh day of September, within less than sixty days from the date of the royal schedule authorising the king's American subjects to take part in the war.

The army marched, without loss of time, to Baton Rouge. Colonel Dickson had there a garrison of little more than four hundred British soldiers and one hundred militia. He was well supplied with arms, ammunition and provisions; but the fort was in ruins, and his men sickly. He was not, however, to be surprised by a *coup de main*. Galvez immediately invested the fort, and began with the erection of batteries, on which he mounted his heavy ordnance. In two hours and a half after the cannonade began, on the twenty-first of September, Dickson proposed a capitulation, which was soon after agreed to. The honors of war were accorded to the garrison, and they were made prisoners. The surrender of fort Panmure, at Natchez, and two small posts, one on Amite river and the other on Thompson creek, were included in the capitulation. Don Carlos de Grandpre was left in command at Baton Rouge, with two officers under him at fort Bute and fort Panmure, and the army marched back to New-Orleans.

Julien Poydras, (a gentleman who afterwards became conspicuous by his great wealth and his services in congress, and the territorial and state legislatures) celebrated the achievement of Galvez in a small poem, in the French language, which was printed and circulated at the king's expense.

The elements were not so favourable to Louisiana, as the God of war. A hurricane desolated it in the

fall, and the small-pox, the ravages of which were not yet lessened by inoculation or vaccination, made much havock in the city and its neighbourhood.

The arms of the United States were not as successful on the shores of the Atlantic, as those of Spain were on the banks of the Mississippi. During the summer, the Americans made an irruption, under General Howe, into the province of East Florida, and the diseases incident to the climate at that season of the year, proved fatal to a considerable part of the forces. An unsuccessful attempt was also made, during the winter, to dislodge the English from Savannah.

Congress, availing themselves of the rupture between Spain and Great Britain, sent a minister to Madrid to negotiate a treaty. He was particularly instructed to insist on their right to the navigation of the Mississippi, as far as the sea.

The claim was opposed by Spain, and discountenanced by France. The minister of France, at Philadelphia, had urged that his sovereign was anxious to see the independence of the United States acknowledged by Spain, and a treaty of alliance and commerce entered into by these powers; and he had recommended to the consideration of congress several matters which the Catholic king viewed as highly important. These were the rights of Spain to the exclusive navigation of the Mississippi, and to the possession of both the Floridas, and all the territory from the left bank of the stream to the back settlements of the former British provinces; according to the proclamation of 1763. It was contended that no part of the territory, thus claimed, was included within the limits of any of the United States, and the

whole of it, with the Floridas, was a possession of the British crown, and consequently a legitimate object against which the Catholic king might direct his arms, with a view to its permanent acquisition. It was suggested that it was expected by the cabinet of Madrid, that congress would prohibit the inhabitants of the southern states from making any attempt towards settling or conquering this portion of territory. The minister concluded that the United States possessing no territory beyond the mountains, except the posts of Kaskaskia and a few others, from which they had momentarily driven the British, would view the navigation of the Mississippi as an unimportant object, in comparison with the recognition of their independence by, and an alliance with Spain. The late declaration of war by Spain, and the hostilities commenced by Galvez, an account of which was received at Philadelphia while congress was deliberating on the communication of the French minister, had, it is believed, considerable influence in the subsequent determination of that body to insist on the claim.

This year, a number of French hunters, (*coureurs de bois*), who had strayed to the banks of the Cumberland river, built a few cabins on a spot soon after called the Bluff, and since known as the one on which the town of Nashville stands. It is situated within the limits then claimed by the state of North Carolina, in her constitution, and within the territory afterwards ceded by that state to the United States. The surrounding country was inhabited by Indians only, and the nearest settlement of whites was on the banks of the Watauga, one of the branches of the Tennessee river, at the distance of several hundred miles.

Panis and Duverger were the ordinary alcades for the year 1780.

Galvez's success at Manchac and Baton Rouge was now rewarded by a commission of brigadier-general.

Having received some reinforcement from Havana, he left New-Orleans, early in January, with a larger force than that which he had led to Baton Rouge during the preceding year. His object was the reduction of Fort Charlotte, on the Mobile river. He was overtaken on the gulf by a storm, by which one of his armed vessels was stranded. His troops were exposed to great danger, and a part of his provisions and ammunition was either totally spoiled or rendered unfit for use for some time. He succeeded at last in landing his army, artillery, military stores, and provisions, on the eastern point of Mobile river.

Had General Campbell, who was at Pensacola with a considerable force, sallied out and attacked the invaders, their defeat would have been inevitable. Galvez was so conscious of his perilous situation, that he made some preparations for a march by land to New-Orleans, leaving his baggage and artillery behind. He, however, determined on proceeding to the fort, and was indebted, for his success, to the supineness of the enemy.

On his arrival, he erected six batteries, which soon effected a breach in the walls of the fort, the commandant of which capitulated on the fourteenth of March.

General Campbell arrived a few days after, with a force that would have been sufficient to have prevented the capture of the fort, but which, now that it was in the possession of the Spaniards, became useless.

Galvez, on his return to New-Orleans, determined on the attack of Pensacola; but the force he could command was insufficient, and he sent an officer to the captain-general to solicit a reinforcement. His messenger returned with the promise of one. Impatient of the delay, he sailed for Havana, in order to hasten the intended succour. Having obtained troops, artillery and ammunition, he sailed on the sixteenth of October; but, on the succeeding day, some of his transports foundered in a storm, and the rest were dispersed. He collected and brought them back to Havana, on the sixteenth of November.

In the fall, the British commanding officer at Michilimackinac, with about one hundred and forty men from his garrison, and near fourteen hundred Indians, attacked the Spanish post at St. Louis; but colonel Clark, who was still at Kaskaskia, came to its relief. The Indians who came from Michilimackinac, having no idea of fighting any but Spaniards, refused to act against Americans, and complained of having been deceived. Clark released about fifty prisoners that had been made, and the enemy made the best of his way home.

The minister of the United States at Madrid failed in his negotiation, and their independence was not acknowledged by Spain.

The British army was this year successful in South Carolina. Charleston surrendered on the twelfth of May. Tarleton routed, soon after, a party of Americans under Buford, near the southern boundary of North Carolina. Gates was defeated at Camden on the sixteenth of August, and Sumpter, on the Catawba, on the eighteenth. After this, Lord Cornwallis invaded the state of North Carolina.

Don Juan Manuel de Cagigal succeeded, during the year 1781, Navarro, as captain-general of the island of Cuba and the province of Louisiana.

Galvez was promoted to the rank of mariscal de camp. The attention he had to give to military concerns leaving him no time to be bestowed on the fiscal, Don Martin Navarro, the contador, was appointed Intendant, and Don Manuel Serano assessor of the intendency. Don Antonio Lopez de Armes to received the appointment of secretary of government, which he held until the cession.

Galvez left Havana for Pensacola on the twenty-eighth of February, with a man of war, two frigates, and several transports, on board of which were fourteen hundred and fifteen soldiers, a competent train of artillery, and abundance of ammunition. The fleet was commanded by Don Joseph Cabro de Irazabal.

On the ninth of March, he landed his troops, ordnance and military stores on the island of St. Rosa, and on the next day, erected a battery to support the fleet on its passage over the bar. The attempt to cross it was made on the eleventh; but the commodore's ship having got aground, it was abandoned. On the next day, Galvez wrote to Irazabal, expressing his uneasiness at the risk which the fleet and convey must run by remaining long exposed to a storm on a dangerous coast, and requested him to call the captains of the armed vessels on board of his ship, and take their opinions as to the best means of getting the fleet and transports over the bar. This was done, and Irazabal reported that these officers had declared they were unable to form an opinion on the probable success of a second attempt, as they were without a correct chart of the coast. They complained that the pilots on board of the

fleet were incapable of affording any aid; every account which they had given of the soundings having proved erroneous; adding that their ships had nearly all lost their rudders on the eleventh, and expressing their belief that, if they had proceeded any further, they should have found prompt and effectual manœuvres impossible. They observed also, that they had all along feared, that the artillery of the fort could reach the channel; but they had now the melancholy certainty that it commanded, not only the channel over the bar, but even the island of St. Rosa. There being, in the fort, twenty-four pounders, the balls of which would rake, fore and aft, any vessel that should attempt to cross the bar, and the direction of the channel was such, that they were obliged to present their sides, poop and prow to the enemy's guns; that the channel was, besides, so narrow, that the first ship that got aground would obstruct the passage, and the rapidity of the current preventing any quick manœuvre, the ships would run foul of each other before they could turn, even if that were possible. They came to the conclusion that, as the general deemed the crossing of the bar an object of vast importance to the king's service, the commodore should send one or two officers, attended by three or four pilots, to sound the channel as far as Point Siguenza, during the night; a fire being made on that point, in order to ascertain the direction in which a vessel might be most easily managed; after which, a second trial might be made.

Irazabal expressed his individual opinion, that any attempt to attack the British by water would be fruitless, and recommended that the land force should be immediately employed in the reduction of the fort.

Galvez thought he discovered, in the commodore and the captains of the armed ships, a reluctance to co-operate with him in any measure, of which they imagined he would exclusively reap the glory in case of success, and that they were disposed to impede, rather than to aid his plans. He replied to Irazabal, that the loss of a ship or two, from which all on board could easily be saved, was not to be put in comparison with that of the whole fleet and the transports, to which they were exposed in case of a storm, and which would entirely prevent the success of their undertaking. After having requested that the captains should again be called together to reconsider their former report, he determined to attempt, with the naval means of which he had the immediate command, what he could not obtain from the commodore.

Accordingly, the brig Galvezton, commanded by Rousseau, which had lately arrived with ordnance from New-Orleans, cast anchor near the bar; and the captain, having sounded the channel as far as Point Siguenza, during the night between the fifteenth and sixteenth, he next morning reported there was water enough in the shallowest part of the channel for the largest ship in the fleet, with her full load.

The captains of the armed ships met on board of the commodore's ship, and having reconsidered their report of the fourteenth, declared they could not do any thing but refer the general to it.

Don Joseph de Espeleta had arrived on the sixteenth, with the force from Mobile and the militia from the neighbourhood, and on the seventeenth, Don Estevan Miro came from New-Orleans with the Louisiana forces. They all landed on the western side of Rio Perdido.

Convinced, now, there was no means of inducing Irazabal to make a second attempt to bring the fleet and convoy over the bar, Galvez, from the experience he had on his way to Mobile in the spring, and from Havana in the fall of the preceding year, of the danger he incurred by remaining longer exposed to a storm, directed the brig Galvezton, a schooner just arrived from New-Orleans, under the order of Riano, and two gun boats, which constituted all the naval force under his immediate command, to prepare for crossing the bar; in the hope that their success might induce the officers of the royal navy to follow them. Towards noon, Rousseau, with his brig, the schooner, and gun boats, cast anchor near the bar, and at half past two, Galvez went on board of the brig, directed a pendant to be displayed on her main mast, a salute to be fired, and sail to be set. The fort immediately began a brisk cannonade, principally directed upon the brig, on board of which it was apparent the general was embarked. Neither the brig, schooner, nor gun boats received any injury, except in their sails and rigging; and Galvez landed at the bottom of the bay, on the island of St. Rosa, under a salute, and amid the acclamations of his men.

His success determined Irazabal to send the fleet and convoy over the bar, except his own ship, which, in the meanwhile, had been reladen for her return to Havana. This was effected on the next day. The frigates led the way, and the convoy followed. The fort kept a brisk fire for upwards of an hour, until the hindmost vessel was out of its reach. The shipping received some injury, but no individual was hurt. Galvez had advanced in a boat, and remained in the midst of the convoy until the last vessel anchored.

At four o'clock, he made an effort, with two of his aids, to cross the bar, in order to go and confer with Espeleta and Miro, and devise with them a plan of attack; but the violence of the wind compelled him to desist, and he reached the camp at midnight.

In the morning of the twentieth, he sent one of his aids to general Campbell with a message, in which he informed him that, when the British came to Havana in 1762, their commander intimated to the captain-general of the Catholic king, that if any of the king's edifices, ships, or other property were destroyed, the Spaniards would be treated with all the rigour and severity of the laws of war; that the intimation was now made to the general and whoever it might concern, and under the same terms.

At night, the British set fire to a guard-house on the beach; and Galvez sent Riano's schooner, with the launch of the brig Galvezton, which, for a while, kept up a brisk fire of grape shot on the beach.

A British officer came to the camp, early on the following day, with a message from Campbell, stating that an enemy's threats could only be considered as a stratagem of war, and expressing his hope that, in the defence of Pensacola, he should resort to no measure not justified by the usages of war. He made his acknowledgment for the frank intimation he had received, and gave assurance that his conduct would be regulated by that of the Spanish commander, with regard to certain propositions he had to make, in conjunction with the governor of West Florida.

At noon, an aid of Campbell, accompanied by lieutenant-colonel Dickson, who had been taken the preceding year at Baton Rouge, and liberated on his parol, came in a boat bearing a flag of truce, and

delivered to Galvez letters from Campbell and governor Chester.

The first expressed his conviction that humanity required, as much as possible, the exemption of innocent individuals from the disasters necessarily incident to war; and added, that the garrison of Pensacola was unable to resist the force brought against it, without the total destruction of the town, and the consequent ruin of its inhabitants; and he expressed his desire that the town and garrison should be preserved for the victor—a desire, he said, which arose from the hope he entertained that the efforts of the troops he commanded would be crowned with success. He concluded by proposing that the town should be preserved, without receiving any unnecessary injury from either party, during the siege of the redoubt of the marine and Fort George, within which he meant to contend for the preservation of the province for the British crown, under the stipulation that the town of Pensacola should not be used, by either army, for the purpose either of protecting itself or annoying its adversary; but remain the safe asylum of women, children, the aged and infirm. He added that, in case his proposition was rejected, and the Spaniards sought a shelter in Pensacola, it would become his duty immediately to destroy it.

The governor proposed that some Spanish prisoners in his possession should be liberated on their parole, on the assurance of Galvez, that they should not be employed in the military or civil service of the Catholic king, during the war, unless they were sooner exchanged.

Galvez gave orders that his men should be drawn out under arms, in order that the messengers of Campbell and Chester might report what kind and

number of troops were under his command. These gentlemen were afterwards dismissed with a verbal message, importing that Galvez was prevented by indisposition from preparing a written answer, and that one would be sent on the next day.

During the night, the British set fire to a few houses near Fort St. George.

In his reply, on the twenty-second, Galvez stated that what he had seen, since the departure of Campbell's aid and lieutenant-colonel Dickson, convinced him that those who sent them had no other object but procrastination, and he was ashamed of his own credulity and their attempt to deceive him; that he would listen to no proposition but that of a surrender; and the conflagration of Pensacola, so long as it was not attributable to any fault of his, would be contemplated with as much indifference as the burning of its incendiaries!

Campbell rejoined, that the haughty style assumed by the Spanish chief, far from its intended effect, would have that of exciting the utmost opposition to the ambitious views of Spain; that the officer commanding at Fort George had done nothing but his duty, in destroying a few houses near it, which afforded protection to the enemy; and that if the invaders sought to avail themselves of Pensacola, by seeking an asylum there, it would be immediately destroyed.

Campbell now retreated into the fort with all the force under his orders, and the Spaniards lost no time in opening a land communication between the bay and the town, and erecting their works on both sides of the British fortifications. They were provided with a good train of artillery.

The attack was not, however, commenced until the

beginning of April. From the fleet in front, and the batteries on either side, the British were exposed to a tremendous fire, and their men often driven from their guns. But, they having for a long time anticipated a siege, the fortifications were in excellent repair, and their supply of ammunition and provisions abundant; so that the Spaniards made but little impression. A lower battery, which the British hastily erected, and on which they put heavy cannon, soon enabled them to drive the ships on the opposite side of the bay. Galvez was unable to annoy his enemy by the side batteries, and for a while reduced to comparative inaction. At last, a lucky accident, in the beginning of May, favoured his enterprise. The magazine, in one of the advanced redoubts, took fire from a shell and blew up. The works were completely destroyed by the explosion, and a free passage opened. Galvez immediately sent Espeleta, with a strong detachment, to occupy the middle ground, in which they were protected by the ruins of the redoubt; and soon after, he sent four field pieces, with which a brisk fire was begun. At this moment a white flag was hoisted in Fort George, and an officer came out to propose a capitulation.

The terms of it were soon agreed on, and it was signed on the ninth of May. The whole province of West Florida was surrendered to Spain, with the garrison, which consisted of upwards of eight hundred men. They were allowed the honors of war, and to retain their baggage and private property, and were transported to their sovereign's dominions, under a stipulation that they should not serve against Spain or her allies, until duly exchanged.

Don Arthur O'Neil, an Irish officer in the service of Spain, was left in command at Pensacola.

Archives—Gazettes—Stoddard—Marshal.

CHAPTER IV.

The garrison driven out of fort Panmure.—Distress of the inhabitants.—Hurricane.—Excessive flood.—Battle of Guifford—Surrender of the British army at York.—Galvez's promotion.—Father Cyrillo.—Don Estevan Miro.—Commercial regulations.—Preliminary articles.—Don Joseph de Espeleta.—Treaty of peace.

An incident occurred during the siege of Pensacola, which was very near involving some of the British near Natchez in serious difficulties. General Lyman, who, we have seen, had, with some of his adherents in Connecticut, obtained grants of land in the neighbourhood of fort Panmure, and formed agricultural establishments in 1775, was now dead, and his followers had seen, with considerable regret, the British force, that protected them, driven from the fort, and replaced by Spanish soldiers. During the siege, on the rumour of the approach of a fleet, which had been mistaken for a British one, they considered the success of their sovereign's cause in West Florida so certain, that they determined on giving him an evidence of their loyalty, by dislodging the Spaniards from the fort. Having engaged most of the other inhabitants of the district in their plan, and secured the co-operation of a number of the neighbouring Indians, they raised, on the twenty-second of April, the British standard, in view, but beyond the reach of the guns, of the fort. During the night, they approached the fort, brought some artillery to bear upon

it, but a heavy fire from the guns of the fort soon compelled them to retire.

On the twenty-fourth, the Spaniards fired on, and destroyed a house, at small distance, behind which the insurgents had taken shelter: but the latter having procured a field piece, approached and fired on the fort, wounding a corporal, who died on the next day. During the night, the firing was continued, with some intervals.

The commandant of the fort, sent, on the twenty-eighth, one of his officers to the insurgents, to represent to them the danger to which they exposed themselves, by a rebellion against their lawful sovereign—recommending to them to deliver up their leaders and disperse; and promising that if they did so, the royal clemency should be extended to them. They promised to send an answer the next day. Accordingly, in the morning, a planter came to the fort with a letter from McIntosh, one of the most respectable inhabitants of the district, informing him that what the messenger would say could be relied on. This man, on being questioned, said the fort was undermined, and would be blown up the following day. There was a deep valley, at a very short distance from the fort, at which the Spaniards had noticed a considerable number of persons, during the preceding days, a circumstance which gave some credit to the story.

On the twenty-ninth, the men, according to the report of the commandant, being exhausted with fatigue and watching, and the ammunition and provisions nearly consumed, he surrendered the fort, on being permitted to march with his garrison to Baton Rouge.

The evacuation of fort Panmure, by the Spaniards,

was soon followed by the report that the rumour of the approach of a British fleet was unfounded, and afterwards by that of Galvez's success at Pensacola.

Those who had taken an active part in this short revolution, among whom were most of the settlers from Connecticut, fearful of meeting the fate of O'Reilly's victims at New-Orleans, determined on making the best of their way to Savannah, in Georgia, now the nearest post occupied by the British—altho' they had to cross an immense wilderness, inhabited by hostile Indians.

The contest between Great Britain, (the subjects of which they were,) and the American States, rendering a direct course dangerous, they were obliged to enter North Carolina, descend below the Alatomaha, and cross again the state of Georgia, to Savannah, on its northern limit. In the performance of this circuitous journey, they were employed one hundred and thirty-one days.

The caravan was numerous, and included women and children, some of the latter at the breast. All were mounted on horseback; but the ruggedness of the ground induced such as were able to walk, to travel most of the way on foot. The country is intersected by numerous, and often broad and deep water courses; steep and lofty mountains obstructed their course; and impervious marshes often required them to make long and tedious circuits. The Choc-taws, through whose country and along whose border their journey lay to a great extent, having espoused the cause of the Spaniards, were their enemies: and from an Indian foe, no stratagem, no speed, no distance can insure safety. Famine also threatened them, in their best circumstances: often they suffered intensely from thirst; and disease, at times, com-

pelled those who were well to halt for the recovery of the sick.

They separated into two companies, on reaching the state of Georgia: one was taken by the Americans; the other crossed the Alatomaha, and journeyed to its mouth, where they constructed a raft, on which they crossed with their horses, and finally reached the town of Savannah in the latter part of October.

On the twenty-fourth of August, Louisiana was desolated by a hurricane. This year, the Mississippi rose to a greater height than was remembered by the oldest inhabitants. In the Attakapas and Opelousas, the inundation was extreme. The few spots which the water did not reach, were covered with deer.

The affairs of the United States had a very gloomy aspect at the commencement of this year, and a brilliant one towards its conclusion. The new year found the British in possession of the states of Georgia and South Carolina; and Lord Cornwallis, who had invaded that of North Carolina, and driven General Green into Virginia, gained a considerable advantage over the latter on his return into North Carolina, at the battle of Guilford. The American army was now reduced to a deplorable weakness; and the remnant of it, which still existed, was unpaid, unclothed, and often unfed. Under the pressure of these complicated sufferings, a considerable portion of the soldiers had been in open revolt; and it was not easy to say, with confidence, how long the patriotism of the residue would support them, under such trying circumstances.

The enemies of America exulted, and her friends

desponded. In this inauspicious state of her affairs, congress relaxed, for an instant, the firmness which had uniformly characterised that body, and manifested a disposition to sacrifice remote interests, though of great future magnitude, for immediate advantages, and instructed their minister at Madrid to relinquish, should it be absolutely necessary, the claim of the United States to the navigation of the Mississippi, below the thirty-first degree of north latitude, and a free port on its banks. The minister, finding himself obliged to comply with the instructions, had the firmness to add, the offer to renounce the claim was made with a view of procuring, at once, the recognition of the independence of the United States, and a treaty of alliance and commerce; and if these objects were not immediately attained, congress would consider themselves at liberty to insist on their claim thereafter. The cabinet of Madrid did not, however, think proper to negotiate at this period, and the United States afterwards availed themselves of the prudent and spirited conduct of their minister.

Lord Cornwallis had marched from Guilford court-house to Wilmington, where he staid until the twenty-fifth of April, when he marched to Yorktown, in Virginia. He was afterwards invested by the allied forces of the United States and France, supported by a French fleet commanded by the Count de Grasse, to whom he surrendered on the nineteenth of October.

Galvez's success at Pensacola was rewarded by a commission of lieutenant-general of the king's armies, the cross of a knight pensioner of the royal and distinguished order of Charles the third, and he

was appointed captain-general of the provinces of Louisiana and Florida.

Father Cyrillo, of Barcelona, was made a bishop "*in partibus infidelium*," and received the canonical institution of the see of Tricaly, a town in Greece. He was given as coadjutor to Don Santiago Joseph de Estaveria, who still occupied the see of Cuba, and was directed to exercise his episcopal functions in Louisiana.

The Spanish cabinet had directed Galvez to attempt, after the surrender of Pensacola, the capture of the Bahama islands; but a simultaneous attack on the island of Jamaica, by the combined forces of Spain and France, being contemplated, Don Juan Manuel de Cagigal was employed in the former service, and Galvez sailed for Hispaniola, where the combined forces were to assemble, with the view of taking the command of those of Spain.

On the departure of the captain-general, the government of the province was provisionally vested in Don Estevan Miro, colonel of the royal armies.

Cagigal sailed from Havana, in the spring, with three regiments and a large train of artillery; and on the twenty-eighth of May, 1782, the captain-general of the Bahama islands (John Maxwell) signed a capitulation, by which they were surrendered to the arms of the Catholic king.

The war, and the capture of the British forts on the Mississippi, had deprived the planters of Louisiana of the great advantage they derived from the illicit trade carried on by British traders. On the representation of Galvez, considerable privileges were granted to the commerce of the province, on the twenty-second of January, by a schedule which was published in New-Orleans in the spring.

In the preamble of this document, the king states that his royal solicitude and wishes have always been to secure to his vassals the utmost felicity, and to enable them to enjoy the advantages of a free trade; that he had never lost sight of so important an object in the regulations he had made for the commerce of his vast dominions in the Indies—firmly persuaded that the protection of trade and industry has a great influence on the wealth and prosperity of a nation. His majesty then adds, that the province of Louisiana has particularly merited his royal attention, since its annexation to his dominions. His paternal love for its inhabitants had induced him to give them repeated proofs that a change of government had not diminished their happiness. But notwithstanding the favours and exemptions he had been pleased to grant to them, on several occasions, particularly by the regulations of the commerce of the Indies, made on the twenty-eighth day of October, 1778, experience had shown that the advantages he had contemplated were not realised; and the trade in peltries, of that province, with the numerous nations of Indians who surround it, and the articles of exportation to Europe, which the country produces, demanded new regulations. Accordingly, and with the view of rewarding the zeal and fidelity of the colonists, during the late campaigns for the recovery of the territories lately possessed by Great Britain, on the Mississippi and the Gulf of Mexico, the following favours and privileges are granted to the province of Louisiana.

1. Permission is given, during a period of ten years, to be computed from the day on which peace may be proclaimed, to all vessels of the king's subjects in the province of Louisiana, bound to New-Orleans or Pensacola, to sail directly with their cargoes from

any of the ports of France, in which a Spanish consul resides, and to return thereto with peltries or the produce of Louisiana or West Florida, (except specie, the exportation of which, in this way, is absolutely forbidden) under the express condition that a detailed invoice of all the merchandise on board, signed by the consul, shall be delivered by him, in a sealed cover, to the captain, to be presented by the latter at the custom-house of the place of destination.

2. In case of urgent necessity in the colony, the existence of which necessity is to be certified by the governor and intendant, permission is given to the colonists, to resort to any port in the French West India islands.

3. To encourage the commerce of the province to the ports of the peninsula to which it is allowed, permission is given to export, from New-Orleans and Pensacola, any species of merchandise directly imported there from Spain, to be landed in any port within the king's American dominions, to which trade is allowed, paying only the duty with which such merchandise would have been charged on its exportation from the peninsula, according to the regulation of the twelfth of October, 1778; but the exportation of foreign merchandise imported into Louisiana, is forbidden.

4. An exemption from duty is granted, during the same period, on negroes imported into Louisiana or West Florida; and permission is given to procure them in the colonies of neutral or allied powers, in exchange for produce or specie; paying only for such produce and specie, the duties mentioned in the seventh article.

5. In order that the colonists may fully enjoy the favours and privileges now granted, they are permit-

ted, during the term of two years, to be computed from the proclamation of peace in New-Orleans, to purchase foreign vessels free from duty, and such vessels are to be considered as Spanish bottoms.

6. The exportation of pipe and barrel staves from Louisiana to Spain, is permitted, free from duty.

7. It being just that commerce should contribute to the charges of the colony, and the expenses it occasions, a duty of six per cent. is laid on all merchandise exported and imported by the king's subjects in the peninsula, Louisiana, and West Florida, according to a moderate assessment.

8. Custom-houses are to be established in New-Orleans and Pensacola.

The preliminary articles of peace between the United States and Great Britain were signed at Paris, on the thirtieth of November.

Le Breton and Morales were the ordinary alcades for the year 1783, and the following one.

Rodriguez succeeded Mazange in the clerkship of the cabildo.

The king having directed Galvez to select a brigadier-general of his armies, to act as captain-general of the province of Louisiana during Galvez's absence on the intended expedition against Jamaica, he made choice of Don Joseph de Espeleta.

The preliminary articles of peace between Great Britain, France, and Spain, were signed at Paris, on the twentieth of January.

The definitive treaties between Great Britain, the United States, and Spain, were signed, at Paris, on the third day of September.

By the first, the king of Great Britain acknowledged the independence of the United States, and recognised, as their southern boundary, a line to be drawn due east from a point in the river Mississippi, in the latitude of thirty-one degrees, north of the equator, to the middle of the river Apalachicola or Cataouche; thence along the middle thereof to its junction with Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean.

The description of this line is important, as it became the dividing one between the possessions of Spain and the United States.

By the eighth article, it was expressly provided that the navigation of the Mississippi, from its source to the gulf, should forever remain free and open to the subjects of Great Britain and the citizens of the United States.

By the second, Great Britain warranted the province of West Florida, and ceded that of East Florida to Spain. Eighteen months were given to British subjects, settled in these provinces, from the date of the ratification of the treaty, to sell their property, receive their dues, and transport their persons and effects, without molestation on account of religion, or under any other pretext whatever, excepting that of debt or crime.

The claims of Spain and the United States, under this treaty, were not easy to be reconciled, and soon opened a source of contention, which lasted for a series of years. The Catholic king, under an actual possession, and the guarantee of Great Britain, laid claim to all the territory as far as the mouth of the river Yazoo. We have seen, in the last chapter of

the preceding volume, that immediately after the peace of 1762, on possession being taken by Great Britain, the northern boundary of West Florida was fixed at the thirty-first degree of north latitude; but was afterwards extended to a line drawn due east from the mouth of Yazoo river, in latitude 32. 28. with the view of comprehending, within the limits of the province, some important settlements—Spain contending that the limits being then fixed in the commission of the British governor, had continued the same until the signature of the treaty.

The claim of the United States to the navigation of the Mississippi, below their southern boundary, was also resisted. The Catholic king, as owner of both banks of the stream, claimed the exclusive ownership of it, and the consequent right of preventing other nations from navigating it.

The United States contended they had the right of going as far as the southern boundary assigned to them by their title—it being a natural one; because the definitive treaties between Great Britain and Spain and them, bearing the same date, that of the preliminary articles ought to be resorted to, in order to ascertain the priority of right; and Spain could not urge a warranty stipulated in her preliminary articles against the United States, who had a previous title from her warrantor.

In support of their claim to the navigation of the Mississippi to the gulf, the United States contended that Spain derived every right which she had to the river and its navigation, from France, under a treaty posterior to the one by which the latter power had ceded to Great Britain the right of navigating the stream to the gulf; that the United States having succeeded to the rights of Great Britain, to the left

bank above the bayou Manchac, had equally done so to that of its navigation; which right, moreover, had been expressly ceded by Great Britain in the latter treaty.

The last proposition was not, perhaps, absolutely correct, Great Britain not having ceded her right, but merely a participation in it.

Archives—Gazettes—Stoddard—Marshall.

CHAPTER V.

Galvez's promotion—Lepers—Unzaga's residence.—Census.—Colonial expenditures.—A commissary of the holy office.—Acadians.—Commerce.—Bando de buen gobierno—Don Pedro Piernas.—Kentucky.—Irish priests.—Don Diego de Guardoqui.—Trade with the western part of the United States.—General Wilkinson.—Trade with Philadelphia.—North-Western Territory of the U. S.

The ordinary alcades, on the first of January, 1785, were Forstall and Kernion.

Early in this year, Galvez received a commission of captain-general of the island of Cuba, and of the provinces of Louisiana and East and West Florida, which superceded Espeleta's. In the summer, on the death of his father, he was promoted to the viceroyalty of Mexico, but retained the captain-generalship of Louisiana and the Floridas.

There being a number of persons in the province affected with leprosy, the cabildo erected an hospital for their reception, in the rear of the city, on a ridge of high land between it and bayou St. John, which is probably the ridge anciently separating the waters of the Mississippi from those of lake Pontchartrain.

Miro now received and executed a commission of judge of residence of Unzaga.

Residence is a term, which, in the jurisprudence of Spain, is used to designate an inquiry which takes place into the official conduct of any public functiona-

ry, whenever by death, removal, or any other cause, he has ceased to execute the duties of his office. The decision of a judge of residence is reviewed, on appeal, by the council of the Indies. The inquiry is made at the principal place of the district in which the late officer exercised his functions. One would suppose that the fear, which the investigation of every act, public or private, of an officer whom any one may accuse, and who is given up, in some measure, to every species of reproach and vexation, even from envy and malice, would insure the zealous and upright discharge of his duties; that those who are governed by an officer surrounded by a vigilance which a thousand motives may call into activity, would find, in the residence, the most effectual safeguard against his passions, his avarice, and his partiality. And yet, there is no part of the world where abuses of authority are of more frequent occurrence, than in the Spanish provinces; and the rapidity with which officers amass large fortunes, is an evidence that there is no obstacle which the love of gain will not surmount, and that the same want of principle which prompts the commission of dishonest acts, will also suggest the means of avoiding their consequences. If any officer thinks of the residence, it is to intimidate those whom he might fear, or to purchase their silence. There is a league between all persons in places subjected to a censure, which has always caused it to degenerate into a mere formality.

An accurate census of the inhabitants of Louisiana and West Florida was taken this year, by order of Galvez, which produced the following results:

| | |
|---------------------------------|----------|
| Within the city of New-Orleans, | 4980 |
| From the Balize to the city, | 2160 |
| At the Terre-aux-Bœufs, | 576—7656 |

| | | |
|--------------------------------------|--------|---|
| [brought over,] | 7656 | |
| On the bayous St. John and Gentilly, | 678 | |
| Tchoupitoulas, | 7046 | |
| Parish of St. Charles, | 1903 | |
| St. John the Baptist, | 1300 | |
| St. James, | 1332 | |
| Lafourche, | 646 | |
| Do. interior, | 352 | |
| Iberville, | 673 | |
| Pointe Coupée, | 1521 | |
| Opelousas, | 1211 | |
| Atakapas, | 1070 | |
| New Iberia, | 125 | |
| Washita, | 207 | |
| Rapides, | 88 | |
| Avoyelles, | 287 | |
| Natchitoches, | 756 | |
| Arkansas, | 196 | |
| In Lower Louisiana, | 27,046 | |
| St. Genevieve, | 594 | |
| St. Louis, | 897 | |
| In Upper Louisiana, | 1,591 | + |
| Manchac, | 77 | |
| Galvezton, | 242 | |
| Baton Rouge, | 270 | |
| Natchez, | 1550 | |
| Mobile, | 746 | |
| Pensacola, | 592 | |
| In West Florida, | 3,477 | |

Grand Total, 32,114

Deducting, from the grand total, 3477 persons, the population of West Florida, and 1053, the number of those brought, at the king's expense, from the Canary islands and Malaga, there remains a balance of

27,584 souls; which show that the population, at the arrival of O'Reilly in 1769, was more than doubled in sixteen years, by ordinary means.

The number of white persons was 14,217; that of coloured free ones, 1203; that of slaves, 16,594.

A statement was made by the intendant, by order of the captain-general, of the expenses of the province for this year, and is as follows:

ÉTAT MAJOR.

| | |
|--|----------|
| The governor and captain-general's salary, | \$10,000 |
| Assessor of government, | 2,000 |
| Secretary of do. | 1,000 |
| First clerk in the secretary's office, | 600 |
| Town major, | 1,200 |
| Aid do. | 740 |
| Adjutant, | 600 |
| English interpreter, | 480 |
| Surveyor-general, | 420 |
| Boat's patroon and seamen, | 1,380 |
| Officers attached to no particular corps, | |
| Colonel with lieutenant-colonel's pay, | 1,752 |
| Lieutenant-colonel, | 1,752 |
| Two do. with rank, but pay of \$372 only, | 744 |
| Four captains, | 1,584 |
| One do. | 240 |
| Twelve lieutenants, | 4,320 |
| Four sub-lieutenants, | 1,152 |

ARTILLERY.

| | |
|---------------------|--------|
| A company complete, | 18,417 |
| A storekeeper | 540 |
| An assistant do. | 300 |
| A master armourer, | 220 |

[Total carried over] 49,451

(brought over) 49,451

INFANTRY.

A regiment of infantry, 300,838

DRAGOONS.

A company complete, 11,230

A house for their barracks, 350

CARABINIERS.

An adjutant, 330

MILITIA.

An adjutant-major, 728

A second do. 240

Seven serjeants and four corporals, 1,878

A major-commandant of free people of colour, 240

FORTIFICATIONS.

A director, storekeeper, surveyor of the works, -
and two servants, 1,620

REVENUE DEPARTMENT.**INTENDANCY.**

An intendant, 4,000

Assessor, 1,500

Secretary and two clerks, 1,100

Office expenses, 200

Notary of the marine, 500

A boat and crew, 1,380

COMPTROLLER'S OFFICE.

A comptroller, (contador) 1,600

Four clerks, 1,950

Office expenses, 100

TREASURY.

A treasurer, 1,200

Two clerks, 700

Office rent and expenses, 800

CUSTOM-HOUSE.

A collector, 1,200

[Total, carried over] 383,125

| | |
|----------------|---------|
| [brought over] | 383,125 |
| Comptroller, | 1,000 |
| Cashier, | 800 |
| Four clerks, | 1,550 |
| A searcher, | 700 |
| Guard major, | 600 |
| Twelve guards, | 2,400 |
| Boat and crew, | 1,104 |

ROYAL HOSPITAL.

| | |
|--|--------|
| A comptroller \$600, commissary \$300, | 900 |
| Steward 480, physician 600, | 1,080 |
| Chaplain 480, first surgeon 600, | 1,080 |
| Assistant surgeon, 360, mate 192, | 552 |
| Two minor surgeons 360, apothecary 480, | 840 |
| Apothecary's servant, attendants and cook, | 964 |
| Provisions and medicines, | 18,000 |

SCHOOLS.

| | |
|--------------|-------|
| A director, | 700 |
| Two masters, | 1,050 |

CHURCH ESTABLISHMENT.

| | |
|---|-------|
| N. Orleans, a curate \$480, four assistants 1260, | 1,740 |
| Terre-aux-Bœufs, a curate, | 240 |
| St. Charles, a curate—St. John the Baptist, do. | 480 |
| St. James, a do.—Ascension a do. | 480 |
| Iberville, a do.—Pointe Coupée, a do. | 480 |
| Attakapas, a do.—Opelousas, a do. | 480 |
| Natchitoches, a do.—Natchez, a do. | 480 |
| St. Louis, a do.—St. Genevieve, a do. | 480 |
| Galvezton, a do. and Sacristan 540, expenses 50, | 590 |
| Allowance for wax lights to country parishes, | 300 |
| Boarding of six nuns, at the king's expense, | 720 |
| do. twelve orphan girls, | 360 |

[Total, carried over] 423,985

[brought over,] 423,985

CABILDO.

Six regidors, 300

POSTS.

Balize—a pilot 200, two patroons 240, 440

Sixteen seamen, each 72, 1,152

Head pilot, 360

Allowance for seamen and troops, purchase of
boat, &c. 4,500

Natchez, a garrison, and sixty men, 6,000

Adjutant, 480

ST. LOUIS.

An adjutant 510, two storekeepers 738, 1,248

A surgeon 360, Indian presents 214, 574

CIVIL COMMANDANTS.

Two who do not belong to the army, 200

A keeper of boats in town, 180

Extra expenses, 10,000

Total expenses in-Louisiana, \$449,389

MOBILE.

A governor 2000, chaplain 360, 2,360

Sacristan 180, chapel expenses 50, 230

English interpreter 180, storekeeper 600, 780

Adjutant 300, guard 180, 480

Do. of artillery 300, armourer 360, 660

Surgeon, mate, and nurses, 1,140

Patroon and hands of city launches, 1,296

DAUPHINE ISLAND.

A pilot and four sailors, 696

CATTLE PLANTATION.

A herdsman, an assistant, and a labourer, 900

Extra expenses, 5,000

[Total, carried over] 462,931

[brought over] 462,931

PENSACOLA.

| | |
|---|--------|
| A governor 300, town-major 900, | 3,900 |
| Adjutant 720; his aid 600, | 1,320 |
| Storekeeper 600, engineer 1180, | 1,780 |
| Armourer 360, adjutant of artillery 420, | 780 |
| Blacksmith 350, keeper of the works 240; | 800 |
| Military storekeeper and assistants, | 1,200 |
| Comptroller 1200, two clerks 780, office ex- penses 50, | 2,030 |
| Treasurer 1200, clerk 360, office expenses 50, | 1,610 |
| Hospital director 780, steward, 360, | 1,140 |
| Surgeon 780, mate 440, two aids 600, | 1,820 |
| Apothecary 600, an assistant 300, | 900 |
| Four nurses and a cook, | 1,080 |
| A curate 440, assistant 360, | 800 |
| Sacristan 180, chapel expenses 50, | 230 |
| Pilot 300, patroon 144, twelve sailors 1440, | 1,884 |
| A carpenter, cooper and caulker, 360 each, | 1,080 |
| Extra expenses, | 12,000 |
| New settlers and Indian affairs, | |
| A contador 1600, two clerks 960, | 2,560 |
| House rent 180, office expenses 50, | 230 |
| Storekeeper 360, commissioner 360, | 720 |
| Interpreter 540, assistant 300, | 840 |
| A surgeon at Terre-aux-Bœufs, | 360 |
| A commandant 300, surgeon 360, Galveston | 660 |
| A surgeon 360, commissary 180, Valenzuela | 540 |
| A pensioner, | 320 |
| An armourer at New-Orleans, | 300 |
| Indian interpreters at Natchez, Natchitoches, and Pointe Coupée. | 372 |
| Interpreter and armourer at Arkansas, | 276 |

[Total, carried over] 504,462

| | |
|--|---------|
| [brought over] | 504,462 |
| Interpreter and armourer at St. Louis, | 340 |
| Commissary and do. at Mobile, | 1,080 |
| A storekeeper and two interpreters at Pensacola, | 1,620 |
| Presents and extra expenses, | 29,782 |

\$537,285

Let us contrast these expenses with those of a republican state, that of North Carolina, in the preceding year:

| | |
|------------------------------------|---------|
| The governor, | \$2,000 |
| Private secretary, | 400 |
| Council of state, | 200 |
| Secretary of state, | 350 |
| Comptroller, | 1,600 |
| His five clerks, | 1,100 |
| Stationary, | 200 |
| Three judges of the supreme court, | 5,200 |
| Attorney-general, | 1,320 |
| Three delegates in congress, | 6,720 |
| Treasurer, | 1,400 |
| Clerks and stationary, | 1,400 |
| Ten boards of auditors, | 4,800 |
| Commissioners of account, | 240 |
| The legislature, | 30,000 |
| Public printer, | 1,000 |

\$56,930

The population of North Carolina was, at this period, 377,721 persons; so that her expenses were that year a little more than fifteen cents per head—while those Louisiana were sixteen dollars and fifty-five cents. Those expenditures, in the first case,

were paid by the inhabitants; in the latter, by the sovereign.

An attempt was made to introduce the Inquisition into the province. A clergyman of New-Orleans received a commission of commissary of the holy office in Louisiana. Miro had it particularly in charge not to allow the exercise of any inquisitorial functions, within the colony committed to his care. He gave early information of this to the commissary, who thought himself bound to attend to the orders of his spiritual, rather than those of his temporal, superiors: and one night, whilst he was peaceably slumbering, he was disturbed by an officer heading eighteen grenadiers, who lodged him on board of a vessel, which, at break of day, sailed with him for Spain.

According to an arrangement between the courts of France and Spain, the province received this year a very considerable accession of population, by the arrival of a number of Acadian families, who were supported by the French king, and came over to join their friends who had migrated to Louisiana, as we have already mentioned, in 1755. They settled, mostly, on both sides of the Mississippi river, near Plaquemines; but a number of the families went to increase the settlement on Terre-aux-Bœufs, on the bayou Lafourche, and in the districts of Atakapas and Opelousas.

The period of eighteen months, which had been granted to British settlers to sell their property, collect their debts, and remove their persons and effects from East and West Florida, by the late treaty between Spain and Great Britain, being expired, Miro, with the approbation of Galvez, extended the time, to settlers in West Florida, till the pleasure of the king was known.

The royal schedule, of 1782, had revived the trade of New-Orleans; and a number of commercial houses from France had established themselves there. The planters, however, regretted the time when British vessels plied on the Mississippi, stopping before every house, furnishing the farmer with whatever he wanted, accepting in payment whatever the latter had to spare, and extending a credit almost unlimited in extent and duration. A number of agents had arrived from Jamaica to collect debts due to merchants of that island, the recovery of which had been impeded during the war. As the trade these creditors had carried on, could not now be continued, they pressed for settlement and payment. In some cases, legal coercion was resorted to; but Miro, with as much prudence as Unzaga, on a similar occasion, exerted his influence to procure some respite for those who were really unable to comply with their engagements, and allowed a resort to the last extremity against those only, whose bad faith appeared to require it. Instances are related, in which, unable to obtain a creditor's indulgence for an honest debtor, he satisfied the former out of his own purse.

The cabildo made choice of Orue and Dafossat for ordinary alcades, on the first of January, 1786.

By a royal order, issued at the Pardo, on the fifth of April, the king approved the conduct of Miro in the indulgence granted, last year, to the British subjects at Baton Rouge and Natchez, and declared his will that permission might be granted to such individuals, residing in Louisiana and Florida, to remain where they were, on taking an oath of allegiance and fidelity, provided they should not move out of their respective districts without the permission of the go-

vernor. Those who neglected to take the oath, were to depart by sea for some of the colonies of North America; and if they were unable to defray the expenses of the voyage, it was to be paid by the king, who was to be reimbursed, as far as possible, by the sale of their property.

The king further ordered that, at Natchez and other places, where it might be done conveniently, parishes might be formed, and put under the direction of Irish clergymen, in order to bring over the inhabitants and their families to the Catholic faith, by the mildness and persuasion it recommends. For this purpose, the king wrote to the bishop of Salamanca, to choose four priests, natives of Ireland, of approved zeal, virtue and learning, from among those of his university, to be sent to Louisiana at the king's expense.

Miro, on whom the provisional government had devolved on the departure of Galvez, now received a commission of governor, civil and military, of Louisiana and West Florida, and issued his *bando de buen gobierno* on the second of June.

A *bando de buen gobierno*, is a proclamation which the governor of a Spanish colony generally issues on assuming its government, to make known the principles by which he intends to direct his conduct, and to introduce necessary alterations into the ordinances of police.

In this document, Miro begins by stating that religion being the object of the wise laws of Spain, and a reverend demeanor in church a consequence of it, the bishop having lately published an edict, with regard to the respect and devotion with which the faithful are to attend the celebration of the holy mysteries, the proceedings of the vicar-general

against delinquents will receive every necessary aid from government. Working on the Sabbath and other holy festivals is prohibited, except in cases of necessity, without the license of the vicar. He forbids the doors of shops or stores being kept open during the hours of divine service, and the dances of slaves on the public square, on those days, before the close of the evening service.

He declares his intention to proceed with severity against all persons living in concubinage. He observes, that the idleness of free negro, mulatto, and quarteroon women, resulting from their dependence for a livelihood on incontinence and libertinage, will not be tolerated. He recommends them to renounce their mode of living, and to betake themselves to honest labour; and declares his determination to have those who neglect his recommendation, sent out of the province—warning them that he will consider their excessive attention to dress, as an evidence of their misconduct.

He complains that the distinction which had been established in the head dress of females of colour, is disregarded, and urges that it is useful to enforce it; forbids them to wear thereon any plumes or jewelry, and directs them to wear their hair bound in a handkerchief.

He announces that the laws against gambling and duelling, and against those who carry about their persons, dirks, pistols, and other arms, shall be rigorously enforced.

The nightly assemblages of people of colour are prohibited.

The inhabitants of the city are forbidden to leave it, either by land or water, without a passport; and those who leave the province are to give security for the payment of their debts.

Persons coming in, by land or water, are to present themselves at the government house.

Those who harbour convicts, or deserters, from the land or naval service, are to be punished.

Any large concourse of people, without the knowledge of government, is inhibited.

None are to walk out at night without urgent necessity, and not then without a light.

No house or apartment to be rented to a slave.

Tavern keepers are to shut their houses at regular hours, and not to sell spirituous liquors to Indians, soldiers or slaves.

Purchases from soldiers, Indians, convicts, or slaves are prohibited.

Regulations are made to prevent forestalling, hogs running at large in the streets, to restrain the keeping too great a number of dogs, and the removal of dead animals.

Measures are taken to guard against conflagrations, for draining the streets, and keeping the landing on the levee unobstructed.

Verbal sales of slaves are forbidden.

Don Pedro Piernas succeeded Miró as colonel of the regiment of Louisiana.

At the close of the war, there had been considerable migrations to the banks of the Ohio and the western part of Virginia. A district had here been formed called Kentucky, the population of which exceeded twelve thousand souls. There was also a large number of settlers in the state of North Carolina, on the western side of the mountains, and many had sat down on the banks of Cumberland river. These found the inconvenience of their situation, from the

immense distance of the seat of government, near the shore of the Atlantic, so grievous, that in the preceding year they had made an attempt to erect themselves into a separate government, under the style of the state of Franklin.

The people of Kentucky had the same wish, and those of Virginia were not averse to its gratification. They enjoyed no part of the attention of the general government. Their communication with the Atlantic was obstructed by an immense wilderness and lofty mountains; and where these obstacles were surmounted, the distance to a sea port was still immense. The climate was favourable to agriculture; and although their land produced much more than they could consume, they could find no market for the surplus. Attempts had been made to seek one on the Mississippi, but their boats had been met and seized by Spanish officers ascending the stream with supplies for St. Louis. A convention of the people met at Danville to deliberate on the propriety of an application to congress, soliciting admission into the Union as an independent state; but the majority of that body concluded that the population of the district was too small and sparse to support the expenses of a separate government. Congress seemed unwilling to take any measure to procure them a free navigation of the Mississippi.

Chabert and Reggio were the ordinary alcaldes for the year 1787.

The population of the district of Opelousas and Atakapas was heretofore supposed to be so inconsiderable, that it had been thought one commandant was sufficient for both. Don Nicholas Forstall, a regidor, was now appointed commandant of the for-

mer, and the Chevalier de Clouet, who before presided over both, was left in charge of the latter. On his departure, Forstall claimed the right, as he was leaving the cabildo on the king's service, to appoint a lieutenant, in proxy, to represent him in it; but that body refused to recognise such a right.

The four Irish priests from the seminary of Salamanca, chosen by the bishop, according to the request of the king, reached New-Orleans, and were sent to Baton Rouge, Natchez, and other parts of the territory conquered from Great Britain, during the last war.

[Altho' no treaty had been entered into between the United States and the Catholic king, the latter had sent a minister to the former. This gentleman, Don Diego de Guardoqui, now formed a plan for encouraging migration from the district of Kentucky and the western part of North Carolina, to the right bank of the Mississippi, between the settlements near the river Arkansas and those near the Missouri. George Morgan, of Pennsylvania, who offered himself as the leader of the emigrants, received the grant of a large tract of land; on which he laid the foundation of a city, which he dignified with the name of New-Madrid. A company of infantry, under the orders of Pierre Foucher, was sent from New-Orleans to build and garrison a fort near the intended site of the city.

At the same time, Don Diego admitted the proposition of the Baron de Steuben, a general officer, who, having served the United States with distinction during the late war, had, together with other officers of rank, and a number of respectable citizens of the United States, solicited an extensive tract of country on the same bank of the Mississippi, for the

purpose of establishing a military colony, chiefly composed of such persons as were lately in the army, and were left without employment, on its disbandment. The cabinet of Madrid, however, did not think proper to encourage the formation of a colony, composed of such materials, in the Spanish dominions.

Morgan's plan had but a partial execution.

The foundation was now laid of a commercial intercourse, through the Mississippi, between the United States and New-Orleans, which has been continued, with but little interruption, to this day, and has increased to an immense degree; and, to the future extent of which, the imagination can hardly contemplate any limit. Hitherto, the boats of the western people, venturing on the Mississippi, were arrested by the first Spanish officer who met them; and confiscation ensued, in every case; all communication between the citizens of the United States and the Spaniards, being strictly prohibited. Now and then, an emigrant, desirous of settling in the district of Natchez, by personal entreaty and the solicitations of his friends, obtained a tract of land, with permission to settle on it with his family, slaves, farming utensils, and furniture. He was not allowed to bring any thing to sell without paying an enormous duty. An unexpected incident changed the face of affairs, in this respect.

The idea of a regular trade was first conceived by general Wilkinson, who had served with distinction as an officer in the late war, and whose name is as conspicuous in the annals of the west, as any other. He had connected with it a scheme for the settlement of several thousand American families in that part of the present state of Louisiana, now known as the pa-

ishes of East and West Feliciana, and that of Washita, and on White river and other streams of the present territory of Arkansas. For these services to the Spanish government, he expected to obtain the privilege of introducing, yearly, a considerable quantity of tobacco into the Mexican market.

With a view to the execution of his plan, Wilkinson descended the Mississippi, with an adventure of tobacco, flour, butter and bacon. He stopped at Natchez while his boat was floating down the stream to New-Orleans, the commandant at the former place having been induced to forbear seizing it, from an apprehension that such a step would be disapproved by Miro, who might be desirous of showing some indulgence to a general officer of a nation with whom his was at peace—especially as the boat and its owner were proceeding to New-Orleans, where he could act towards them as he saw fit.

Wilkinson, having stopped at a plantation on the river, the boat reached the city before him. On its approaching the levee, a guard was immediately sent on board, and the revenue officers were about taking measures for its seizure, when a merchant, who was acquainted with Wilkinson, and had some influence with Miro, represented to him that the step Navarro was about to take might be attended with unpleasant consequences; that the people of Kentucky were already much exasperated at the conduct of the Spaniards in seizing all the property of those who navigated the Mississippi, and if this system was pursued, they would probably, in spite of congress, take means themselves to open the navigation of the river by force. Hints were, at the same time, thrown out, that the general was a very popular character among those who were capable of inflaming the whole of the

western people, and that, probably, his sending a boat before him, that it might be seized, was a scheme laid by the government of the United States, that he might, on his return, influence the minds of his countrymen; and, having brought them to the point he wished, induce them to choose him for their leader, and, spreading over the country, carry fire and desolation from one part of Louisiana to the other.

On this, Miro expressed his wish to Navarro that the guard might be removed. This was done; and Wilkinson's friend was permitted to take charge of the boat, and sell the cargo, without paying any duty.

On his first interview with Miro, Wilkinson, that he might not derogate from the character his friend had given him, by appearing concerned in so trifling an adventure as a boat-load of tobacco, flour, &c. observed that the cargo belonged to several of his fellow citizens in Kentucky, who wished to avail themselves of his visit to New-Orleans to make a trial of the temper of the colonial government. On his return he could then inform the United States government of the steps taken under his eye; so that, in future, proper measures might be adopted. He acknowledged with gratitude the attention and respect manifested towards himself, and the favour shown to the merchant who had been permitted to take care of the boat; adding, he did not wish that the intendant should expose himself to the anger of the court, by forbearing to seize the boat and cargo, if such were his instructions, and he had no authority to depart from them when circumstances might require it.

Miro supposed, from this conversation, that Wilkinson's object was to produce a rupture rather than

to avoid one. He became more and more alarmed. For two or three years before, particularly since the commissioners of the state of Georgia came to Natchez to claim the country, he had been fearful of an invasion at every rise of the water; and the rumour of a few boats having been seen together on the Ohio was sufficient to excite his apprehensions. At his next interview with Wilkinson, having procured further information of the character, number, and disposition of the western people, and having resolved, in his mind, what measures he could take, consistently with his instructions, he concluded that he could do no better than to hold out a hope to Wilkinson, in order to secure his influence in restraining his countrymen from an invasion of Louisiana, till further instructions could be received from Madrid. The general sailed in September for Philadelphia.

A lucrative trade had begun to be carried on between New-Orleans and that city, at which the colonial government appeared to wink. Guardoqui, however, finding that he did not participate in the profits of this new branch of commerce, his friends not obtaining the consignment of the vessels engaged in it, notwithstanding various hints and threats thrown out to the captains and super-cargoes, procured a list of the names of the vessels, captains and owners in New-Orleans, real or pretended, and forwarded it to Navarro, with a severe reprimand; adding, that he had informed the court of the disregard of the laws in Louisiana. He so worked upon the fears of the intendant, that, apprehensive of losing his place if he did not recur to severe measures, the latter prosecuted, with apparent impartiality and unrelenting rigour, all those against whom information was lodged, seizing vessels on their arrival, confisca-

ting their cargoes, and imprisoning the owners, captains, and crews. These were all condemned to the mines for various terms of years.

The spirit of the government and the venality of its officers was, however, apparent. The favourites of those with whom the officers had connexions in business escaped, by bringing proofs that were thought sufficient to destroy those sent by Guardoqui, by receiving timely notice of their danger, by orders forwarded to the commandant at the Balize to favour them, by not suffering them to enter, and allowing those who had entered, but not reached New-Orleans, to return and put back to sea, with such part of their cargoes as they could not conveniently land on the plantations along the banks of the river—the owners having ordered those vessels to foreign ports, pretended they were lost during their voyage, and they were ignorant of any thing concerning them since they left New-Orleans.

It was the practice in Spanish colonies, to condemn all contraband traders to the mines; but in such cases the law was rarely carried into execution, when there had been no violent resistance or blood shed. The offender was, however, imprisoned, and after a short time, suffered to escape—the jailor reporting him as runaway or dead. Some of the persons who were thus condemned and imprisoned in New-Orleans, were soon after liberated. A few were permitted to command other vessels, after having made some change or alteration in their names. One of them who had been imprisoned and returned as dead, by the gaoler, went to Madrid, where he obtained the review and reversal of the sentence against him, and came back to New-Orleans.

The congress of the United States, this year, erected the territory to the northwest of the Ohio into a distinct government, at the head of which they placed Arthur St. Clair, an officer of the late revolution, and once their president.

Archives—Gazettes—St. Mary—Clark—Marshal.

CHAPTER VI.

Conflagration.—Permission given to Wilkinson to trade.—Emigrants.—Census.—Navarra's departure: His ideas in regard to the people of Kentucky: their plans.—Charles IV.—Wilkinson.—Encouragement to migration.—Irish emigrants.—Federal constitution of the U. States.—Washington.—Nootka Sound.—Negotiations at Madrid.—Southwestern Territory.—Don Francisco de Bouligny.—Don Nicholas Maria Vidal.—Indian affairs.—Insurrection in Hispaniola.—State of Vermont.

The ordinary alcades, for the year 1788, were Foucher and Argotte. Pedesclaux now succeeded Rodriguez in the office of clerk of the cabildo, which he held during the remainder of the Spanish government in Louisiana.

On the twenty-first of March, (Good Friday,) the chapel of a Spaniard, in Chartres-street, New-Orleans, took fire, about three o'clock in the afternoon; and, the wind being very high at the time, a conflagration ensued, which, in a few hours, consumed nine hundred houses, and other property of immense value.

In order to relieve the inhabitants, in some degree, from the distress into which this event had plunged them, the colonial government made a large contract for flour, to be purchased within the United States, on which it made great advances in money; and in order to induce contractors to deliver it on the best

terms, the privilege was allowed them of introducing an unlimited quantity of merchandise, on paying the usual duty. Guardoqui, finding that the information he had given made him enemies in the United States, that the colonial government had seized the opportunity presented by the late conflagration, to release all the individuals imprisoned in consequence of the prosecutions he had instigated during the preceding year, and to restore the property confiscated, (a measure approved by the king, to whom a representation had been made by his officers in Louisiana) and that no benefit could result to him from continuing his interference, desisted from any further attempt to obstruct the commercial intercourse between Philadelphia and New-Orleans; and his agents, induced by motives of prudence, and perhaps by a share in the profits, did every thing in their power to augment it.

Miro now received and executed a commission of judge of residence of Galvez.

On the eighth of August, Wilkinson's agent in New Orleans procured, from the colonial government, permission to send to the city one or more launches loaded with tobacco from Kentucky.

Several individuals from the Wabash, Kentucky, and Cumberland rivers, came to Louisiana to ascertain whether their migration to the province would be allowed, and to view the country. They were informed that they would be permitted to introduce their property; such as was for sale, paying a duty of twenty-five per cent; that their slaves, stock, provisions for two years, and farming implements, would be free from duty; that land would be granted, and protection afforded them, as long as they demeaned themselves well.

A census, which was taken this year, presents the following results:

| | |
|--------------------------------------|----------|
| Within the city of New-Orleans, | 5338 |
| From the Balize to the city, | 2378 |
| At the Terre-aux-Bœufs, | 661 |
| On the bayous St. John and Gentilly, | 772 |
| Barataria, | 40 |
| Tchoupitoulas, | 7589 |
| Parish of St. Charles, | 2381 |
| St. John the Baptist, | 1368 |
| St. James, | 1559 |
| Lafourche, | 1164 |
| Do. interior, | 1500 |
| Iberville, | 944 |
| Pointe Coupée, | 2004 |
| Opelousas, | 1985 |
| Atakapas, | 2541 |
| New Iberia, | 190 |
| Washita, | 232 |
| Rapides, | 147 |
| Avoyelles, | 209 |
| Natchitoches, | 1021 |
| Arkansas, | 119 |
| In Lower Louisiana, | 34,142 |
| St. Genevieve, | 896 |
| St. Louis, | 1197 |
| In Upper Louisiana, | 2,093 |
| Manchac, | 284 |
| Galvezton, | 268 |
| Baton Rouge, | 682 |
| Feliciania, | 730 |
| Natchez, | 2679 |
| Mobile, | 1468 |
| Pensacola, | 265—6376 |

| | |
|--------------|---------------|
| Grand Total, | <u>42,611</u> |
|--------------|---------------|

The increase between the census of 1785, which gave a grand total of 32,114, is 10,497, in three years; which is about thirty-one and a half per cent. This is, perhaps, accounted for, by the accession of population brought by the Acadians since the first census. The increase in Iberville, Manchac, Lafourche, Opelousas and Atakapas, the parts of the province in which these people settled, presents an increase of fifty one per cent. The number of Acadian emigrants may in this way be reckoned at about 3500.

The number of white persons was 19,445; that of free persons of colour 1,701; that of slaves 21,465.

Don Martin Navarro, the intendant, now left the province for Spain; and the two offices of intendant and governor were united in the person of Miro. Navarro's last communication to the king, was a memorial which he had prepared, by order of the minister, on the danger to be apprehended by Spain, in her American colonies, from the emancipation of the late British provinces on the Atlantic. In this document, he dwells much on the ambition of the United States, and their thirst for conquest; whose views he states to be an extension of territory to the shores of the Pacific ocean; and suggests the dismemberment of the western country, by means of pensions and the grant of commercial privileges, as the most proper means, in the power of Spain, to arrest the impending danger. To effect this, was not, in his opinion, very difficult. The attempt was therefore strongly recommended, as success would greatly augment the power of Spain, and forever arrest the progress of the United States to the west.

The suggestion was well received at Madrid, and became the ground work of the policy which thereafter actuated the court of Spain.

It would not have been difficult for the king of Spain, at this period, to have found, in Kentucky, citizens of the United States ready to come into his views. The people of that district met, this year, in a second convention, and agreed on a petition to congress for the redress of their grievances—the principal of which was, the occlusion of the Mississippi. Under the apprehension that the interference of congress could not be obtained, or might be fruitless, several expedients were talked of, no one of which was generally approved; the people being divided into no less than five parties, all of which had different, if not opposite, views.

The first was for independence of the United States, and the formation of a new republic, unconnected with them, who was to enter into a treaty with Spain.

Another party was willing that the country should become a part of the province of Louisiana, and submit to the admission of the laws of Spain.

A third desired a war with Spain, and the seizure of New-Orleans.

A fourth plan was to prevail on congress, by a show of preparation for war, to extort from the cabinet of Madrid, what it persisted in refusing.

The last, as unnatural as the second, was to solicit France to procure a retrocession of Louisiana, and extend her protection to Kentucky.

It was in the western part of the United States, that the inefficacy of the power vested in congress was most complained of. With a view of remedying this evil, a convention of deputies from all the states, except that of Rhode Island, met at Philadelphia; and, on the seventeenth of September, submitted to their fellow citizens a plan of government for their

adoption, calculated to effect a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to them and their posterity.

The choice of the cabildo, for ordinary alcades, for the years 1789 and 1790, fell on Ortega and Almonaster.

Don Andrew Almonaster succeeded Reggio as perpetual regidor and alferéz real.

According to the king's order obtained by Forstall, Don Carlos de la Chaise took his seat in the cabildo, as lieutenant of the former.

Charles the third had died on the 14th of December last, in the seventy-second year of his age, and was succeeded by his son, Charles the fourth. Funeral rites were performed, in honour of the departed monarch, on the seventh of May, with as much pomp and solemnity as the smallness of the chapel of the hospital could admit of. This chapel, and that of the nuns, were the only places of worship which the conflagration had spared. On the next day, the new sovereign was proclaimed, under repeated discharges of artillery from the forts and shipping, and the acclamations of the colonists. At night, the city was brilliantly illuminated, and theatrical exhibitions were presented to the people.

Wilkinson visited New-Orleans for the second time. Miro informed him he was instructed to permit the migration of settlers from the western country; but he was without information of his sovereign's will as to the grant of land for colonization, on the large scale proposed, or the introduction of tobacco into the viceroyalty of Mexico.

Accordingly, the colonial government granted several tracts of land to such settlers from the western part of the United States as presented themselves. They were favoured with an exemption from duty, as to all the property they brought, invested in the produce of their country. Under the denomination of settlers, all those who had an acquaintance with any person of influence in New-Orleans, obtained passports, and made shipments, which were admitted free from duty. Pretending to return in order to bring their families, they repeated the speculation several times. Others came with slaves and stock, and returned. A few only remained, and they were those who availed themselves the least of the immunities offered by the Spanish government. They had a few slaves and cattle, and but little of other property. They settled chiefly in the districts of Natchez and Feliciana, where they increased the culture of tobacco, which was the only article of exportation raised in this part of the province. The encouragement thus given to migration and speculation, opened a market for the produce of the Ohio. Flour was brought down from Pittsburgh; and the farmers, finding a vent for every thing they could raise, their land rose in value, and industry was encouraged. Flour was then to be had on the Monongahela, at from eighteen to twenty shillings the barrel, (\$2 40 to 2 66.) Its quality was so inferior, that it was used in times of scarcity only, or in making biscuit.

A number of Irish families were desirous of removing to Louisiana or the Floridas, in the hope that the king of Spain would afford them the same aid as had been extended to emigrants from the Canary islands and Malaga a few years before; but on their application, the captain-general was informed from

Madrid, that no settlers could be admitted in either of those provinces, whose passage out, or whose maintainance for a limited time, would have to be paid out of the royal treasury; and those foreigners, only, could be received, who, of their own will, should present themselves and swear allegiance to the king. To such, land might be granted, and surveyed gratuitously, in proportion to the number of persons in each family: they were not to be molested on account of their religion, but no other mode of public worship was to be allowed than the Catholic: they were not to be required to bear arms, but in the defence of the province, should an enemy invade it. No other aid or assistance was to be given them, but land, protection, and good treatment. They might bring with them property of any kind; but, in case of exporting it, they were to pay a duty of six per cent.

Few or no settlers emigrated from Ireland.

Don Louis de las Casas, a brigadier-general of the royal armies, was appointed captain-general of the island of Cuba, and of the provinces of East and West Florida.

The bishoprick of Cuba, of which the provinces of Louisiana, East and West Florida made a part, was divided. The southern part of the island was erected into the archbishoprick of Cuba, and the northern into the bishoprick of Havana, of which these provinces now made a part. Don Santiago Joseph de Tres Palacios was the first incumbent of the bishoprick.

The people of the several states having adopted the constitution proposed by the late convention, the new government went into operation on the fourth of March of this year, under the auspices of general Washington, the first president of the United States.

The high ground taken by the British government on the attack of the settlements at Nootka Sound, and the vigour with which it armed to support its pretensions, furnished strong ground for the belief that a war would soon be commenced. In the United States, the juncture was considered as a favourable one, for urging their claim to the navigation of the Mississippi; and their charge des affaires at Madrid was instructed not only to press this point with earnestness, but to secure the unmolested use of that river in future, by obtaining a cession of the island on which New-Orleans stands, and the Floridas.

The federal government was not yet ready to purchase this cession, for several millions of dollars, as it did afterwards. They expected that, in the security of the friendship of the United States, and the security which would be given to the dominions of Spain on the west of the Mississippi, she would find a fair equivalent for the cession; as not only the United States would have no object in crossing the stream, but their real interest would require that Spain should retain the immense possessions she claimed to the west.

Carmichael, the charge des affaires of the United States at Madrid, was further directed to draw the attention of the Catholic king's ministers to the peculiar situation of these states, to one half of which the use of the Mississippi was so necessary, that no effort could prevent them from acquiring it. He was instructed to urge, that their doing so, by acting separately, or in conjunction with Great Britain, was one of those events which human wisdom would in vain attempt to prevent. To the serious consideration of the Spanish government, were submitted the consequences that would result to all the Spanish pos-

sessions in America, from hostilities with Great Britain, or the seizure of New-Orleans by the United States.

The opinion that, in the event of a war between Great Britain and Spain, Louisiana would be invaded from Canada, was not a mere suggestion for aiding the negotiations at Madrid; it was seriously contemplated by the American government; and the attention of the executive was turned to the measures which would be proper to pursue, should application be made for permission to march a body of troops through the unsettled territory of the United States, into the dominions of Spain, or if such an attempt should be made without permission.

The western people continued loudly and justly to complain of the inattention of congress to the hostile temper of the Indians, to which an unusual degree of importance was given, by the apprehension that it was fomented by the intrigues both of Great Britain and Spain. From Canada, the northern Indians were understood to be supplied with the means of prosecuting a war, which they had been stimulated to continue; and to the influence of the governor of East Florida, and perhaps to that of Louisiana, had been partly attributed the late failure of a negotiation with the Creeks.

To conciliate the latter Indians, colonel Willet, a distinguished officer of the late revolution, was sent among them. He acquitted himself so well of the duties assigned to him, that the chiefs of that nation, with M'Gillivrey at their head, repaired to New-York, where negotiations were immediately begun, and terminated by a treaty of peace on the seventh of August.

On the first information, at St. Augustine, that

M'Gillivrey was about to proceed to New-York, the intelligence was immediately conveyed to Las Casas, the captain-general at Havana, and the secretary of the government of East Florida was sent at the same time with a large sum of money, as it was said, to purchase flour; but his real object was believed to be, to embarrass the negotiations with the Creeks. He was closely watched, and measures were taken to render any attempt, he might make, abortive.

The overtures the American government made to the Indians on the Wabash and the Miamis, were not so successful. The western frontiers of the middle states were still exposed to the destructive invasion of the savages, and there was reason to believe that the inhabitants could only be released from the terrors of the tomahawk and scalping knife, by the vigorous exertion of military force; and general Hammer was directed by the president of the United States to march against the Indians, bring them, if possible, to an engagement, but in any event, to destroy their settlements on the Wabash and Scioto.

With three hundred and fifty regulars, and a body of militia of eleven hundred men from the state of Virginia and the district of Kentucky, he received a check early in October; but finally succeeded in reducing to ashes the villages of the enemy on the Scioto, and destroying their winter provisions. He retreated, without effecting any thing on the Wabash, and the Indians were again successful in a second attack. The supineness of congress, who neglected, notwithstanding the recommendation of the president to raise a force sufficient to the protection of the western people, increased their discontents.

Congress, this year, accepted a cession made to the United States, by North Carolina, of all her lands on

the western side of the mountains; and a distinct government was established for the people who dwelt to the south-west of the Ohio. It was called the South-western Territory, and William Blount was governor of it, until the erection of the state of Tennessee.

Morales and Marigny de Mandeville were chosen ordinary alcades for the year 1791.

Don Nicholas Maria Vidal succeeded Postego, as auditor of war and assessor of government.

Congress now added a new regiment to the military establishment, and authorised the president to raise a body of two thousand men for six months. The president placed this force under major-general St. Clair, governor of the North-western Territory, who had served with distinction in the army of the revolution, and had filled the chair of congress.

In the summer and fall, two expeditions were conducted against the villages on the Wabash, in which, with a very small loss, a few of the Indian warriors were killed, some of their old men, women and children made prisoners, and several of their towns, with extensive fields, were destroyed. The first was led by general Scott, in May, and the second by general Wilkinson, in September.

The major-general was more unfortunate. His small army, consisting of about fourteen hundred effective rank and file, was routed by the Indians on the third of November. His defeat was complete. Six hundred and thirty-one were killed or missing, and two hundred and sixty-seven wounded. Among the killed was the brave and much lamented general Butler. This happened about fifty miles from the Miami villages.

The people of Kentucky complained that congress were too sparing in furnishing means for their protection. They were clamorously calling for admission into the Union as a state. Altho' Miro favoured them with an intercourse with Louisiana, in which they found a vent for their produce, they were dissatisfied with the terms under which they were permitted to enjoy the navigation of the Mississippi.

In the night of the twenty-third of August, a preconcerted insurrection took place throughout the French part of the island of Hispaniola, and an immense portion of its white inhabitants were massacred. Those who were so fortunate as to make their escape, sought a refuge in the islands of Cuba and Jamaica, or the United States, and a few came to Louisiana. Among these, was a company of comedians from Cape Francois; and the city of New-Orleans now enjoyed, for the first time, the advantage of regular dramatic exhibitions. Some of the other refugees, availing themselves of the wants of the province, opened academies for the instruction of youth. Hitherto, the only means of education were confined to a school in which a Spanish priest, aided by two ushers, taught the elements of the Spanish language, and the convent of the Ursuline nuns.

Miro sailed for the peninsula, where he was employed in the army, and obtained the rank of mariscal de camp. He carried with him the good wishes and the regrets of the colonists. Altho' not a man of superior talents, he governed the province in a manner that accorded with the views of his sovereign and of the colonists. He showed every possible indulgence to a commerce with the United States. Since the conflagration, vessels came freely from Philadelphia, and some other ports of the Union;

and the people of Tennessee afterwards manifested their gratitude towards him, by giving his name to one of their judicial districts.

On the fourth of March, the state of Vermont was admitted into the confederacy of the United States, as its fourteenth member.

Archives—Gazettes—St. Mery—Clark—Marshal.

CHAPTER VII.

The Baron de Carondelet.—Bando de buen gobierno.—*Regulations as to slaves.*—*Gen. Wayne.*—*Guinea trade*—*Louis XVI.*—*War against France*—*Fortifications*—*Militia*—*New commercial regulations.*—*Don Francisco de Rendon.*—*Bishoprick of Louisiana*—*Don Louis de Penalvert.*—*Genet's meditated expedition against Louisiana.*—*The Floridas.*—*Moniteur de la Louisiane.*—*Canal Carondelet.*—*Manufacture of sugar resumed.*—*Conflagration*—*Negro plot at Pointe Coupée.*—*Police regulations*—*Extensive grants*—*The Marquis de Maisonrouge.*—*Gayosoe sent to confer with Kentucky patriots.*—*Treaty of Lorenzo.*

Don Francisco Louis Hector, Baron de Carondelet, colonel of the royal armies, was promoted from the government of San Salvador, in the province of Guatemala, to the rank of governor and intendant of the provinces of Louisiana and West Florida, and entered on the duties of these offices on the first of January, 1792.

The ordinary alcades, for this year, were Marigny de Mandeville and de la Pena.

Don Nicholas Maria Vidal, the auditor of war, received a commission of lieutenant-governor.

The Baron's *bando de buen gobierno* was published on the twenty-second of January. Among the new regulations it introduced, it provided for the division of the city of New-Orleans into four wards,

in each of which, an alcade *de barrio*, or commissary of police, was to be appointed. In order to procure to government a knowledge of all the inhabitants, and every stranger among them or in the city, it was made the duty of all persons renting houses or apartments, to give the names of their new tenants to the alcade of the district, on the first day of their occupation, or, at farthest, on the succeeding one. The alcades *de barrio* were directed to take charge of fire engines and their implements, and to command the fire and *axe men* companies, in case of conflagration. They were also empowered to preserve the peace, and to take cognizance of small debts.

In one of his first communications to the cabildo, the Baron recommended to them to make provision for lighting the city and employing watchmen. The revenue of the corporation did not amount, at this period, to seven thousand dollars. To meet the charges for the purchase of lamps and oil, and the wages of watchmen, a tax of one dollar and twelve and a half cents was laid on every chimney.

In a letter to the minister, the Baron, this year, mentioned that the population of New-Orleans was under six thousand.

Having received instructions from the king to attend to the humane treatment of slaves in the province, he issued his proclamation on the eleventh of July, establishing the following regulations:

1. That each slave should receive monthly, for his food, one barrel of corn, at least.
2. That every Sunday should be exclusively his own, without his being compelled to work for his master, except in urgent cases, when he must be paid or indemnified.
3. That, on other days, they should not begin to

work before day-break, nor be continued after dark. One half hour to be allowed at breakfast, and two hours at dinner.

4. Two brown shirts, a woollen coat and pantaloons, and a pair of linen pantaloons and two handkerchiefs, to be allowed, yearly, to each male slave, and suitable dresses to female.

5. None to be punished with more than thirty lashes, within twenty-four hours.

6. Delinquents to be fined in the sum of one hundred dollars, and in grave cases, the slave may be ordered to be sold to another.

At the solicitation of the cabildo, the Baron issued a proclamation prohibiting the introduction of negroes from the French and British islands, the province being, by such importation, drained of its specie, and apprehension being entertained of an insurrection.

In the month of June, the people of Kentucky were admitted into the Union, as a state.

A settlement of the difficulties relating to Nootka Sound having taken place, without a rupture between Great Britain and Spain, the latter power had expressed a wish for an adjustment of the matters in controversy between it and the United States, by a negotiation to be carried on at Madrid. Carmichael and Short were chosen by the president as commissioners for that purpose. In the meanwhile, the officers of that monarchy persisted in measures calculated to embroil the United States in a war with the southern Indians. By their intrigues, they succeeded in preventing the ratification of the treaty entered into, in 1790, with M^cGillivrey; and the line agreed on as the boundary, was not permitted to be run. The indefinite claim to territory, set up by Spain,

was said to constitute a sufficient objection to any line of demarcation, until it was settled; and the previous treaties and relations of Spain with the Creeks were declared to be violated by the acknowledgment of their being under the protection of the United States.

General St. Clair having resigned the command of the western army, it was committed to general Wayne, and the greatest exertions were made to complete its ranks; but so small were the inducements to enter into the service, that the highest grades below the first, were tendered in vain the money. The recruiting service went on so slowly, that no hope was entertained of any decisive expedition this year; and it was thought expedient to negotiate a peace. This attempt proved very unfortunate, at least for those who were engaged in it. Colonel Hardin and major Trueman, having been despatched severally with propositions of peace, were both murdered by the Indians.

Serano and Daunoy were the ordinary alcades for the years 1793 and 1794.

The king expressed to the Baron his approbation of the prohibition of the importation of slaves from the British and French West India islands; but declared his wish to have their importation from Guinea, by his subjects, encouraged and promoted; and, for this purpose, he issued a royal schedule on the first of January.

After stating that Spain was one of the first nations, the ships of which visited Africa in search of negroes, and his belief that great advantages would result to his subjects if they were to resume that trade, the king declares that every Spaniard may send vessels

to the coast of Africa for negroes from any part of his dominions in Europe or the Indies, provided the master and one half of the crew be Spaniards; and all merchandise, purchased expressly for that trade, shall be exempted from duty, as well as every foreign vessel expressly purchased for the purpose of being employed therein.

Vessels continued to trade between Philadelphia and New-Orleans since the conflagration of 1788. Miro, in the latter years of his administration, and the Baron, from the commencement of his, connived at this violation of the positive instructions of the minister of finance in Europe; but on the representation of the governors of the utility of the measure, it was approved by the king. From this period, a number of merchants in Philadelphia established commercial houses at New-Orleans.

All trade is absolutely forbidden in the colonies of Spain, by the letter of the commercial law, to any but natural subjects or naturalised persons residing there. The extreme rigour of this provision had, however, in some degree, defeated it, as the very existence of several colonies depended upon its relaxation, which, in New-Orleans, began to take place in the latter part of the administration of Miro, after the conflagration, and was continued by the Baron, who extended it in favour of foreign merchants residing in the province, altho' not naturalised. After this, the officers of the custom house contented themselves with the simple declaration or an individual, generally the consignee, that he was owner of the vessel. No oath was administered; the production of no document was required. The declaration was even accepted from an individual who did not reside in the province, on his asserting that he meant to do so, or on his producing

a license to import goods. No one was thereby deceived, but the custom-house officers were furnished with a pretext for registering a vessel as a Spanish bottom, and thus to preserve an appearance of a compliance with the law. So little attention was paid to this, that at times the governor and intendant certified that a vessel was American property, while she appeared on the custom-house books as a Spanish vessel.

Louis the sixteenth died on the scaffold, on the 21st of January, 1793, and the popular party being now predominant in France, the Catholic king declared war against the new republic.

The sympathies and partiality of the people of Louisiana now began to manifest themselves strongly in favour of the French patriots, principally in New-Orleans. The situation of the Baron was rendered extremely delicate, by the circumstance of his being a native of France, and obliged by the duties of his station, if not urged by inclination, to restrain excesses against a monarchical government. He prepared, and promoted the subscription of, a paper, in which the colonists gave assurances of their loyalty to, and affection for the Catholic king, and bound themselves to support his government in Louisiana. He put a stop to a practice, which had of late been introduced, of entertaining the audience at the theatre, with the exhibition of certain martial dances to revolutionary airs. He caused six individuals, who had manifested their approbation of the new French principles, and evinced a desire to see them acted upon in Louisiana, to be arrested and confined in the fort. At the intercession of several respectable inhabitants of New-Orleans, he promised to liberate

them; but believing afterwards that he had discovered new causes of alarm, which rendered a decisive step necessary, he shipped them for Havana, where they were detained during a twelve month.

The fortifications, with which the French had surrounded the city, being a heap of ruins, he caused new ones to be erected. A fort was built immediately above, and another immediately below the city, upon the river, and a strong redoubt on the back part towards the middle of the city, and one other at each of the angles. They were connected by deep ditches. There was a battery in the middle of each flank of the city, which were also surrounded by strong palisades.

The two batteries built by the French at the English Turn were abandoned, and the fort of St. Philip erected on Plaquemines, with a small one on the opposite bank of the river.

He had the militia trained, and enforced the laws relative to it.

According to a statement which he sent to Madrid this year, it appeared there were between five and six thousand men enrolled, and he was of opinion that the colonial government could, at any time, bring three thousand men, within three weeks, to any given point in the province.

There were four companies, of one hundred men each, between the Balize and the city.

In New-Orleans, there were five companies of volunteers, one of artillery and two of riflemen; each of one hundred men.

The legion of the Mississippi, consisting of the militia of Baton Rouge, Galvezton, Pointe Coupee, Feliciana, Atakapas, and Opelousas, had two companies of grenadiers, ten of fusiliers, and four of dragoons.

At Avoyelles a company of infantry, at Washita one of cavalry; at the Illinois, two of each.

A regiment of the German and Acadian coasts, of one thousand men.

At Mobile, a company of infantry and one of cavalry.

The attention of the colonists was, however, drawn to matters more immediately interesting to them, by the publication of a royal schedule of the month of February, extending great commercial advantages to them.

In the preamble of this document, the king declares his impression of the impossibility of the merchants of New-Orleans continuing their expeditions to the ports of France designated in the schedule of the twenty-second of January, 1782, and the consequent necessity of some provision for the exportation of the produce of the provinces of Louisiana, East and West Florida, and for enabling the inhabitants to import the merchandise they stood in need of. With the view of encouraging the national commerce, and that of these provinces, the period of ten years, mentioned in said schedule, is provisionally prolonged, until regulations suitable to these provinces and the general system of commerce in the other colonies of Spanish America may be made.

Permission is given to the inhabitants of these colonies to carry on commerce freely, in Europe and America, with all the nations, with which Spain had treaties of commerce, from the ports of New-Orleans, Pensacola, and St. Augustine, to any ports of said nations, (the vessels of which may there be also received) under the condition of stopping, in going and returning, in the port of Concurbion, in Galicia, or that of Alicante, to take a passport.

2. The merchandise, produce and effects, transported, in this foreign commerce, shall be charged with a duty of importation of fifteen per cent, and one of exportation of six; but the exportation of slaves was to continue exempt from duty. The exportation of specie, for any purpose whatever, to continue prohibited.

3. The commerce between the peninsula and these provinces is likewise to be free; and the king declares he will view, with particular benevolence, those who may in any manner encourage it.

4. Spanish subjects are permitted to trade to the provinces, from any port of the peninsula, to which the commerce of the Indies is permitted, in vessels exclusively Spanish, providing themselves with regular documents.

5. Permission is given to import into the ports of the peninsula, all kinds of foreign goods, wares and merchandise destined for any of these provinces, although their introduction be prohibited for all other purposes. Likewise tobacco, or any other article of produce of these provinces, and the importation of which is forbidden to individuals, may be brought in, provided it be afterwards exported to a foreign port.

6. Such prohibited produce, the importation of which is only allowed to facilitate returns from these provinces, shall be deposited, on landing, in the warehouses of the custom-house, from which it shall be drawn only to be carried on board of the vessels in which the importation is to be made.

7. The importation of rice from foreign countries into Spain is prohibited; and the king declares he will likewise prohibit that of any other article of produce, which these provinces may supply, in sufficient quantity for consumption.

8. Goods exported from any of the allowed ports of the peninsula, for the commerce of the provinces, to be exempt from duty, and that which may have been paid on their exportation shall be returned.

9. Foreign merchandise, coming from any of the allowed ports of the peninsula, on its importation in any of these provinces, in foreign bottoms, shall pay a duty of three per cent; but that imported in national vessels shall not pay any.

10. Merchandise or specie, exported from these provinces to any of the allowed ports of the peninsula, shall be free from duty.

11. The exportation to foreign ports of the produce of these provinces, brought to any of the allowed ports of the peninsula, shall be free from duty.

12. The exemptions from duty then granted, include that of all local or municipal ones, which, by custom or otherwise, may be claimed.

13. In order to enjoy the exemptions hereby granted, every vessel must be provided with a manifest of her cargo, distinguishing national from foreign goods, certified at the custom-house of the place of her departure, and give bond with security to present it at the place of destination, and bring a certificate of the landing of the goods; and every vessel, on her return, shall be provided with a manifest and certificate, that the whole of her cargo is of the produce of the country.

14. Spanish vessels, bound from the peninsula to Louisiana or either of the Floridas, which may desire to return with the produce of the country, directly, to any port of Europe, may do so on paying a duty of three per cent, on the produce thus exported.

15. But this advantage is not to be enjoyed by ves-

vessels engaged in a direct trade between a foreign port and these provinces.

16. Vessels of the king's subjects, sailing from New-Orleans, Pensacola, or St. Augustine, are to have a manifest of their cargo, to be presented to his consul, and on their return they are to bring another, subscribed by him, to be presented at the custom-house; and those proceeding directly from Spain to these provinces, are to bring, on their return, besides the manifest of the inward cargo, a certificate of the landing of the outward, in order to have their bonds cancelled.

17. The ports of Bilbao and San Sebastian, which, being in exempt provinces, are reputed foreign, may, as such, trade to these colonies, according to the faculty herein granted, paying the duties imposed thereon; but, in consideration of the importance of enlarging and extending the maritime relations between the mother country and these colonies, vessels from these two ports shall enjoy the favours of exemptions granted to the allowed ports of the peninsula, with the sole difference that the vessels from Bilbao and San Sebastian shall be bound to touch at San Ander to take a passport, before they proceed on their voyages.

18. Vessels from the allowed ports, and from Bilbao and San Sebastian, trading to New-Orleans, Pensacola, and St. Augustine, are prohibited from entering any other port of the king's dominions in America.

19. Exportations from New-Orleans, Pensacola, or St. Augustine, for any other port of these dominions, are prohibited, except in cases of the most urgent necessity, to be certified by the governor, who will give licenses therefor. But then nothing can

be exported except articles of the produce of these provinces.

20. The king remits to his subjects all duties heretofore payable on vessels expressly purchased for this trade.

21. The governor and intendant are directed to make a new tariff, to be submitted to the king.

On the representation of the Baron, the office of intendant was separated from that of governor, and Don Francisco de Rendon, who had been employed as secretary of legation from Spain in the United States, having been invested with the former, came to New-Orleans in the beginning of the year 1794.

The pope divided the bishoprick of Havana; and the provinces of Louisiana, East and West Florida, were erected into a distinct one. Don Louis de Penalvert, provisor and vicar-general of the bishop of Havana, was called to the new see, and established his cathedral in New-Orleans.

Two canons were added to the clergy of the province.

Genet, the minister of the French republic in Philadelphia, had planned two expeditions from the western part of the United States, against the dominions of Spain on the Mississippi and the Gulf of Mexico. Several citizens of the United States had accepted commissions from him. Many of these had been seduced by him in Charleston, where he had landed, in Philadelphia, and in the states of North Carolina, Virginia and Maryland. Others (and their number was not small) had yielded their aid to his agents in Kentucky and Tennessee, under the belief that the interests of the western people would be promoted by the success of the enterprise;

imagining that the French once in possession of New-Orleans, the American government would find it easy to obtain the free navigation of the Mississippi. The idea of a separation of the western people from their brothers on the Atlantic, and an alliance or union with the French of Louisiana, was still fostered by many. With these views, soldiers were secretly recruited for the enterprise. Auguste de la Chaise, a creole of Louisiana, (grand-son of the former commissary ordonnateur) had been sent to Kentucky to superintend the recruiting service there, and was to be one of the leaders of the expedition against the Spanish territory on the Mississippi. Another individual, of the name of Clarke, was on a similar errand in the back counties of Georgia, from which state and the neighbouring one, another expedition was to be directed against East Florida. The aid of a considerable body of Indians, raised among the Creeks and Cherokees, had been obtained.*

The Baron had early information of the danger that threatened the province under his care, from the Spanish minister at Philadelphia, and took early measures to avert it. He completed the fortifications of New-Orleans, and visited most of the parishes to animate the people, and put the militia in a situation of being useful. His care did not stop here. He despatched Thomas Power, an intelligent Englishman, to Kentucky, who, under the pretence of being engaged in collecting materials for a natural history of the western part of the United States, was to prepare the way for the execution of the plan proposed by Navarro, seven years before, by conversing with the most influential individuals among those who were disposed to promote a separation from the Atlantic states, and an alliance or connection with Spain, and giving

them assurances of the cheerful concurrence of the colonial government of Louisiana, and its readiness to supply them with arms, ammunition and money.

This year, *Le Moniteur de la Louisiane*, the only periodical paper published in the province during its subjection to Spain, made its first appearance.

The Baron did not suffer the care he took for the protection of the province to direct his attention from the improvement of the city. On the ninth of May, he gave notice of his intention to dig a canal, which, carrying off the water of the city and its environs into one of the branches of the bayou St. John, would rid New-Orleans of the stagnating ponds, which rendered it sickly, and the multitude of musquitoes, which harassed the inhabitants.

He mentioned, that the expenses of the war allowing no hope of obtaining the assistance of the king for digging a considerable canal of navigation, he had asked from his majesty only the labour of the negro-convicts, which, with that of a few hands that might be furnished by able and zealous individuals, might afford a canal for conveying off the water, and in successive years it might be deepened, so as to become a convenient canal, navigable for schooners, facilitating the intercourse between the opposite side of the lakes, Mobile and Pensacola, with New-Orleans.

In announcing the king's assent to this proposition, the Baron declared his intention of requesting from the inhabitants of the city, in the month of June following, such a number of negroes as they might spare, to clear the ground through which the canal was to pass, and expressed his belief that, this being done, the convicts might complete the work.

A passage, eight feet in breadth, was to be left on each side, for horses drawing flat boats, and in time,

schooners. A wide levee, for foot travellers, was to afford an agreeable promenade, under a double row of trees.

About sixty negroes were sent, and the canal was begun with a depth of six feet only. It turned around the large trees which obstructed its way.

Indigo had hitherto been the principal object of the attention of planters on the banks of the Mississippi; but during several years, its success had sadly disappointed their hopes. At first, the failure of the crops had resulted from the vicissitudes of the seasons: of late, an insect attacked the plant and destroyed its leaves. In the years 1793 and 1794, its ravages were so great that almost every plant perished, and the fields presented nothing to the eye but naked stems.

Since the year 1766, the manufacture of sugar had been entirely abandoned in Louisiana. A few individuals had, however, contrived to plant a few canes in the neighbourhood of the city: they found a vent for them in the market. Two Spaniards, Mendez and Solis, had lately made larger plantations. One of them boiled the juice of the cane into syrup, and the other had set up a distillery, in which he made indifferent taffia.

Etienne Boré, a native of the Illinois, who resided about six miles above the city, finding his fortune considerably reduced by the failure of the indigo crops for several successive years, conceived the idea of retrieving his losses by the manufacture of sugar. The attempt was considered by all as a visionary one. His wife, (a daughter of Destrehan, the colonial treasurer under the government of France, who had been one of the first to attempt, and one of the last to abandon, the manufacture of sugar) remember-

ing her father's ill success, warned him of the risk he ran of adding to, instead of repairing his losses, and his relations and friends joined their remonstrances to hers. He, however, persisted; and, having procured a quantity of canes from Mendez and Solis, began to plant.

This year, Don Andre Almonaster, a perpetual regidor and alferes real, completed at his own expense the erection of a cathedral church in New-Orleans, having laid the foundation of it in 1792. He had before built and endowed a hospital.

A conflagration reduced a considerable part of the city to ashes, and in the month of August the province was desolated by a hurricane.

The ordinary alcades, for the year 1795, were De Lovio and Pontalba.

The cabildo made a representation to the king, and prayed that six more offices of regidor might be created; the increase of population rendering, in their opinion, this measure necessary.

They also prayed that the zealous services of the Baron might be rewarded by the appointment of captain-general.

It seems that the progress of the French revolutionary principles was great in the province, and that the hope that Lachaise would succeed in gathering such a force in Kentucky as might enable him, in the language of the day, to "give freedom to the country of his birth," inflamed the minds of many; for, on the first of June, the Baron issued a proclamation for establishing several regulations of police; in the preamble of which he complains of "the success with which evil-minded, turbulent, and enthusiastic individuals, who certainly had nothing to lose, had spread

false rumours, calculated to give rise to the most complete mistrust between government and the people, whereby the province is threatened with all the disasters to which the French colonies have fallen a prey."

After this, the proclamation announces that, to restore order and public tranquility, syndics, chosen among the most notable planters, are to be appointed, residing within about nine miles from each other, to be subordinate to the commandant, to whom they are to give weekly accounts of ever important occurrence.

It is made the duty of every one having the knowledge, even by hear-say, of any offence or seditious expressions, tending to excite alarm or disturb public tranquility, to give immediate notice to the syndic, commandant, or governor.

Every assemblage, of more than eight persons, to consult on public matters, is absolutely forbidden.

Every individual is bound to denounce to the commandant, any syndic, guilty of an offence in making use of any seditious expressions.

Every traveller found without a passport is immediately to be arrested, carried before the syndic, who is to examine and send him to the commandant.

Every traveller, possessed of any important event, is first to give notice of it to the syndic, who is to take a note of it, and register his name, and afterwards, according to circumstances, permit or forbid the communication of the event, giving information of it to the commandant.

Syndics are to direct patrols from time to time.

The vigilance of the executive of the United States

was such, that Lachaise's efforts proved abortive, and the legislature of South Carolina took measures which ended in the arrest of Genet's agents in the south, and the expedition against East-Florida failed.

The Baron thought the strictest vigilance was required in the city, and he availed himself of the circumstance of some nocturnal depredations, to issue a proclamation enforcing a severe police, and directing the shutting of the gates at an early hour.

The canal behind the city was widened to fifteen feet. About one hundred and fifty negroes were sent by the inhabitants of the city and its neighbourhood, and all the convict slaves were employed on it. In the month of October, the Baron, by a publication in the *Moniteur*, brought to view the future grandeur of New-Orleans, its increasing commerce, the necessity of opening a communication between the city and the sea, through the lakes, and announced that six days more of the labour of the slaves in the city, and within fifteen miles above and below, would enable the colonial government to complete the canal.

Another publication, on the twenty-third of November, draws the attention of the inhabitants to the facilities they have found in procuring wood through the canal, the marked diminution of mortality during the preceding three months, and asks, as the last assistance which he would require, the labour of the slaves for eight days more.

A number of French royalists had come to New-Orleans, and proposed plans for the removal of a number of their countrymen to Louisiana, from the United States, where they had sought an asylum, and the colonial government was induced to make several very extensive grants of land.

The principal was to the Marquis de Maisonrouge, a knight of St. Louis. He offered to bring down thirty families, who were waiting on the banks of the Ohio, and were anxious to form an establishment on those of the Washita, to raise wheat and manufacture it into flour.

The encouragement given by the colonial government was not confined to a grant of land. It covenanted to pay two hundred dollars to every family, composed of at least two white persons, fit for agriculture or the arts necessary in the settlement, as carpenters, blacksmiths, &c. Four hundred dollars to those having four labourers, and the same proportion to those having only an artisan or labourer. They were to be assisted with guides and provisions from New Madrid to Washita. Their baggage and implements of agriculture, were to be transported from New Madrid at the king's expense. Each family, consisting of at least two white persons fit for agriculture, was entitled to four hundred acres of land, with a proportionate increase to larger ones. Settlers were permitted to bring white European servants, to be bound to them for six or more years, who, at the expiration of their time, were to receive grants of land in the same proportion.

This agreement was, a few months after, approved by the king.

The Baron, in these plans for colonising the banks of the Washita, had not lost sight of his favourite one for the separation of the western people from the Union, the idea of which was still entertained by several influential individuals in Kentucky, whom Powers had visited, and who had recommended that an officer of rank should be sent by the colo-

nial government, to meet part of them at the mouth of the Ohio. He made choice, for this purpose, of Don Manuel Gayoso de Lemos, who commanded at Natchez, and who sat off early in the summer. The ostensible object of this officer's journey was to lead a number of soldiers, who were to erect and garrison a fort at the Chickasaw bluffs. Having set these men at work, Gayoso proceeded to New Madrid, from whence, according to a previous arrangement, he despatched Power to Red Banks, for the purpose of bringing down Sebastian, Innis, Murray and Nicholas, who had been chosen to hold a conference with the officer to be sent by the Baron at the mouth of the Ohio. Power found Sebastian at the Red Banks, who informed him that some family concerns prevented Innis from leaving home; that, as the courts were now in session, the absence of Nicholas, a lawyer in great practice, would excite suspicion, and that Murray had, for some time past, got into such a state of habitual intoxication, that he was absolutely incapable of attending to any kind of business. He added, he was authorised by Innis and Nicholas, to treat with Gayoso in their names, and accordingly proceeded, in Power's boat, to the Mississippi, where they found Gayoso. He had employed his people in building a small stockade fort, on the right bank of the river, opposite the mouth of the Ohio, with the view of having it believed that this fortification was the object of his journey. He proposed to Sebastian to come down to New-Orleans and confer with the Baron. This was agreed to; and, after a short stay, they proceeded down, Gayoso and Sebastian in the former's galley; Power and a Mr. Vander Rogers in a king's barge. They proceeded to Natchez, where they stopped,

Whilst a part of the white population evinced their anxiety to imitate the French, in a struggle for freedom, it is not extraordinary that the slaves should have been seduced into an attempt to rise, by the reports of the success of the blacks in Hispaniola. An insurrection was planned in the parish of Pointe Coupee, an insulated one, in which the number of slaves was considerable. The conspiracy was formed on the plantation of Julien Poydras, a wealthy planter, who was then absent on a journey to the United States: from thence its progress had been extended to all parts of the parish. The indiscriminate slaughter of every white man was intended. A disagreement, as to the day the massacre was to take place, gave rise to a quarrel among the principal leaders, which led to a discovery of the plot. The militia was instantly put under arms; and the Baron, on the first information, sent a part of the regular force. The slaves attempted a resistance, and twenty-five of them were killed before those that had been selected for trial were arrested and confined. Serrano, the assessor of the intendancy, went up to assist Dupart, the civil commandant, at the trials. Fifty were found guilty; others were severely flogged. Sixteen of the first were hung in different parts of the parish; the nine remaining were put on board of a galley, which floated down to New-Orleans. On her way, one of them was landed near the church of each parish along the river, and left hanging on a tree. This timely exercise of severity quieted, for a while, the apprehensions of the inhabitants, who had been considerably alarmed.

In the meanwhile, Wayne had concluded a treaty of peace with the hostile Indians, on the northwest of

the Ohio, on the twentieth of August, and the plenipotentiaries of the United States and Spain had signed a treaty at San Lorenzo, on the twenty-seventh of October.

Archives—Gazettes—Clark—Marshal.

CHAPTER VIII.

Treaty between Spain and the United States.—The Count de Santa Clara.—The Baron de Bastrop.—Lighting of the city.—Power's mission to Kentucky.—Clark and Lachaise's expeditions. Royal audience at Puerto del Principe.—New regidores.—Ellicot.—Lieutenant M'Leary.—The Baron seeks to delay the evacuation of the Spanish posts.—Lieutenant Pope.—Power's second mission: His instructions.—The Baron reinforces the garrisons of Fort Panmure and Walnut Hill.—Commotion at Natchez.—Gayoso retires into the fort: His proclamation.—General meeting of the people.—Committee of safety.—Their propositions are approved by Gayoso.—The Baron accedes to them.—His departure.—State of Tennessee.—John Adams.

By the Spanish treaty, the southern boundary of the United States, as given by their treaty of peace with Great Britain, was recognised; and their western, as far as related to the boundary of the territory of Spain, was declared to be a line, beginning at a point in the middle of the channel or bed of the Mississippi, on their northern boundary, running along the middle of said channel, to the thirty-first degree of north latitude.

The king agrees that the navigation of the Mississippi, in its whole breadth, from its source to the gulf, shall be free only to his subjects and the colonies of the United States, unless, by special convention, he

extends the privilege to the subjects of other powers.

The parties promise to maintain, by all the means in their power, peace and harmony among the several nations of Indians inhabiting the country adjacent to the southern boundary of the United States ; and the better to attain this object, both parties bind themselves, expressly, to restrain, by force, all hostilities on the part of Indian nations living within their territories, and to make no treaty, except a treaty of peace, with any Indian nation living within the territory of the other.

Provision is made for the protection of vessels, for cases of embargo and seizure for debt or crime, stress of weather, vessels captured by pirates, the estates of the deceased, passports, contraband trade, access to courts of justice, &c.

The principle that free ships make free goods, is recognised.

It is provided that the subjects or colonies of either party shall not make war against those of the other.

Arrangements are made for running the southern boundary line of the United States.

The king promises to permit citizens of the United States, during a period of ten years, from the ratification of the treaty, to deposit their merchandise and effects in the port of N. Orleans, and export them free from duty, except a fair charge for the use of stores ; and he engages to extend the permission, if it does not, during that period, appear prejudicial to his interests ; and if he does not continue to permit the deposit there, he will assign to them an equivalent establishment on some other spot of the banks of the Mississippi.

Perez and Lachaise were the ordinary alcades for the year 1796.

Early in January, Gayoso, Sebastian, and Powers came to New-Orleans; and early in the spring the two, latter sailed for Philadelphia.

The Count de Santa-Clara succeeded Las Casas as captain-general of the island of Cuba, the provinces of Louisiana and East and West-Florida.

The alarm into which the late attempt of the blacks at Pointe-Coupee threw the colonists, induced the cabildo, on the 29th of February, to request the Baron to transmit to the king their prayer that the introduction of slaves from any part of the world might be prohibited; and they desired the Baron to issue his proclamation, provisorily, to forbid their importation. He complied with their wishes.

Boré's success, in his first attempt to manufacture sugar, was very great, and he sold his crop for twelve thousand dollars. His example induced a number of other planters to plant cane.

By a royal order, given at Aranjuez, on the 20th of June, Don Carlos de Jaen, a licentiate of Havana, was appointed judge of residence of Miro. He did not, however, come over for several years.

Don Francisco de Rendon, having been appointed intendant and corregidor of the province of Zacatecas, sailed from New-Orleans, and the functions of the intendant devolved on Don Juan Benaventura Morales, the contador.

This year the canal behind the city was completed, and a number of schooners went through it to a basin that had been dug near the ramparts. The cabildo, as a mark of their gratitude for the administrator, to whose care this important improvement was due, directed that it should be called "the Canal Carondelet."

The project of inducing French royalists to migrate to Louisiana, continued to be a favorite one with the Baron; and, with a view of promoting it, very extensive grants of land were made.

The most considerable one was that made to the Baron de Bastrop. It was of twelve square leagues, on the banks of the Washita. The emigrants were intended to be employed in the culture of wheat and the manufacture of flour. The colonial government took upon itself the charge of bringing them down from New-Madrid, and of providing for their subsistence during six months. It promised not to molest them on account of their religion; but declared that the Roman Catholic was the only one the rites of which would be allowed to be performed.

Another grant was to James Ceran Delassus de St. Vrain, an officer of the late royal navy of France, who had lost his fortune in the late revolution in his own country, and who, having been compelled to remove to the United States, had rendered himself useful to Spain, in assisting the emissaries of the Baron in defeating the plans of Genet against the king's dominions on the Mississippi and the gulf. This grant was of ten thousand square arpents. The grantée proposed to exert his industry in discovering and working lead mines. The privilege was given him of locating his grant in several mines, salines, mill-seats, and other places, as might best suit his interest, without any obligation, on his part, of making any settlement thereon, as the execution of his plan would require large disbursements, and could be realised only in places remote from the white population and among the Indians.

Julien Dubuc had made a settlement on the frontiers of the province, on land purchased from the Indians, in the midst of whom it was effected, and opened and worked several lead mines, which he called "the mines of Spain." The Baron now granted him all the land from the coast, above the little river Maquequito to the banks of the Mosquebemanque, forming about six leagues on the west bank of the Mississippi river, by a depth of three leagues.

The Marquis de Maison-Rouge having completed his establishment on the Washita, the Baron, on the twentieth of June, appropriated conclusively thirty thousand superficial acres of land for the Marquis's establishment; it being understood that no American settler was to be admitted within the grant.

The expenses of lighting the city of New-Orleans, and the wages of thirteen watchmen, had originally been provided for by a tax on chimneys. The destruction of a considerable number of houses by the late conflagration, now rendered this provision insufficient, and the Baron proposed to the cabildo that three hundred toises in depth, of the land of the city beyond the fortifications in its rear, should be parcelled out into small tracts, to be leased out for gardens, from which the market could be supplied with vegetables; and he expressed his belief that by the draining of the land, the city would be relieved from the noxious exhalations of such an extent of ground, covered with water, during the greatest part of the year. This proposition was not, however, adopted; and a tax was laid on wheat bread and meat. It was thought the tax on bread would fall on the rich only; the poorer class of people using

corn and rice; and that a part of both would be borne by travellers and sojourners. The Baron urged the necessity of continuing to light the city, and retaining the watchmen, on the ground of the city being full of French people, the nocturnal assemblages of whom, as well as that of the slaves, it was prudent to prevent.

The king's officers in New-Orleans appeared impressed with the idea that the late treaty between Spain and the United States, would never be carried into effect. They thought that, at the time it was entered into, the affairs of Europe rendered the neutrality of the United States of great importance to Spain; and, according to them, the object of Great Britain, in her late treaty with those States, was to draw them over to her interests, and render them in some measure dependent on her. They believed that their sovereign had ratified the treaty for the purpose of counteracting the views of Great-Britain, and concluded that, as that power had failed in her object, Spain, on her part, would be no longer interested in fulfilling the stipulations of the treaty.

Accordingly, the Baron had sent Power to Kentucky, in the beginning of this year, to keep alive the hopes of those who still favored the plan of a secession of the western people from the Atlantic states. The messenger delivered the Baron's packets to Wilkinson, at Greenville, in the latter part of May, and was dispatched by him to New-Madrid, to take charge of a sum of money (about \$10,000) deposited by the Baron in the hands of Don Thomas Portell, the commandant. After overcoming some difficulty, resulting from his having no written order from Wilkinson, the money was delivered to him. He concealed it in barrels of sugar and coffee, and brought

it up in safety. On his return to New-Orleans, he reported to his employer that whatever might heretofore have been the disposition of the people of Kentucky, they were now perfectly satisfied with the federal government, and their leading men (with very few exceptions) manifested an utter aversion to the hazardous experiments heretofore thought of—especially as their own government had now obtained from them, by the late treaty, the principal object which they expected to attain by a separation from the Union.

The Baron's attention was now momentarily drawn from his favorite plan, by the necessity of protecting the province under his care from impending danger. The governor of Canada had assembled a considerable number of troops on the Southern border of that province; a circumstance which induced the belief that an expedition was contemplated from thence, through the western territory of the United States, against the dominions of Spain on the Mississippi. The minister of the Catholic king at Philadelphia, communicated to the department of state the information he had received on this head, and demanded that, according to a stipulation in the late treaty, the United States should oppose, in the most effectual manner, the intended violation of their territory.

Spain had concluded a treaty of peace with the French republic, and on the 7th of October had declared war against Great-Britain. The Catholic king, in the declaration of war, mentions the late treaty between Great-Britain and the United-States, as one of the motives that had influenced his conduct in this respect.

Serano and Argotte were the ordinary alcades for the years 1797 and 1798.

By a royal order of the fourteenth of May, the royal audience of Santo-Domingo was removed to *Puerto del Principe*, a town in the island of Cuba.

The king having acceded to the proposition of the cabildo, in regard to an additional number of regidores, Francisco de Riano, Louis d'Arby d'Anicant, Jayme Jordan, John Leblanc, Gilbert Andry and Francisco Castanedo, took their seats in that body as such.

It had been stipulated, in the late treaty between the United States and Spain, that commissioners of both nations should meet at Natchez, within six months from the ratification. Accordingly, Andrew Ellicot had been appointed commissioner on the part of the United States, and Don Manuel Gayoso de Lemos on that of the Catholic king.

Gayoso, according to the instructions of the Baron, as soon as he heard of Ellicot's approach with a small body of infantry under the orders of Lieut. M'Leary, sent an officer to meet him, with a request that he would not attempt to come to Natchez as yet, but stop at bayou Pierre, as the fort was not ready to be surrendered, and some disorder might result from the approximation of the troops of the two nations.

Ellicot disregarded this message, and reached Natchez with his men in the month of February, and displayed the flag of his country near the fort.

The Baron, wishing to gain time, urged, as his reason for delaying a compliance with the stipulations of treaty, that they were not sufficiently explicit, and doubts had arisen in his mind as to the manner

in which the posts were to be delivered. It appeared to him questionable whether they were to be so, with all the forts and edifices standing, as the United States seemed to understand, or evacuated, rased and abandoned, as he conceived, in order that Spain might avoid involving herself into difficulties with the Indian nations, who, by formal treaties, had ceded to her the land at the Chickasaw bluffs, Walnut Hill, and Tombechee, on the express conditions that she should erect fortifications there, to prevent their country from being invaded. He therefore declared his determination to await the orders of his sovereign, or those of his minister at Philadelphia, retain the posts on the Mississippi, and defend upper Louisiana, until congress, acting upon the representation of the latter, should take measures to restrain any expedition against those Indians, according to the stipulations of the treaty.

For the purpose of receiving possession of the posts to be surrendered, a larger detachment, under the orders of Lieutenant Popè, soon followed the former. The instructions of that officer render it probable that the government of the United States apprehended some difficulty from that of Spain. The lieutenant was directed, in the first instance, to proceed to Fort Massac on the Ohio, and there to await the return of an officer previously sent to New Madrid for official information in regard to the delivery of the posts; and, on the certainty or probability of such an event, he was to proceed to Natchez, and on his arrival there, to keep up the most perfect discipline among the troops, so as to prevent every kind of disorder, and promote harmony and friendly inter-

change of good offices with the subjects of the Catholic king, and to treat the Spanish flag with respect.

The commandant at New Madrid, being without instructions, was unable to give any information respecting the views of the colonial government, and lieutenant Pope, concluding that possession would probably be given, descended the Mississippi, and had proceeded as far as New Madrid, where he was met by a messenger from the Baron, warning him to proceed no farther. The lieutenant thought it best, however, to go on, and, at the Walnut Hills, found a letter from Gayoso, requesting him to stop there. He tarried awhile; but, on receiving a letter from Ellicot, advising him to come to Natchez, he departed, and joined Ellicot soon after, and immediately increased his force by enlistment, and apprehended several deserters from the army of the United States, who had taken refuge under the protection of the Spanish flag.

The most considerable part of the population of the district of Natchez had removed from the United States, or were descendants of emigrants from the British provinces, after the peace of 1762. They were anxious for a change of government, and appeared to disregard the authority of the officers of Spain. Gayoso issued a proclamation on the twentieth of March, calculated to bring them back to their duty.

The Baron had resolved that his determination, in regard to the delivery of the posts to the United States, should be regulated by the success or failure of a last attempt to detach the western country from the Union, and had accordingly sent Power thither on this errand.

The avowed object of his mission was the delivery of a letter to Wilkinson, who, on the death of Wayne, had succeeded to the command of the American forces, to induce him not to insist on the immediate evacuation of the posts of Spain: the real object of the journey, however, (and concerning which the Baron, in order to avoid all danger of detection, had given only verbal instructions) was to sound the disposition of the western people, whose militia, the Baron had heard, had received orders to be ready to march at the first call. In the event of this proving true, Power was directed to send immediate information of it to the commandant at New Madrid.

He was instructed adroitly to give it out among those with whom he might have an opportunity of conversing in the course of his travels, that the surrender, to the forces of the United-States, of the posts occupied by those of Spain, on the Mississippi, was in direct opposition to the interest of the western people, who, as they must one day be separated from the Atlantic states, would find themselves without any communication with the sea, excepting through Louisiana, from whence they might expect powerful succours in artillery, arms, ammunition and money, openly or secretly, as soon as they determined on a secession, which must secure to them independance and prosperity.

The wish was expressed that it might be suggested that, for this reason, Congress was determined on hastening the taking possession of these posts, and the western people would forge fetters for themselves, if they consented to furnish their militia, and other means, which the United-States could find among them only.

It was urged that these hints, if diffused through

the papers, might make a strong impression on the people, and dispose them to throw off the yoke of the Atlantic states; and if they could be dissuaded from aiding congress, it could not give law to the Spaniards.

Assurances were given that, if one hundred thousand dollars, properly distributed in Kentucky, could induce the people to resist, that sum would be readily furnished. The messenger was authorised to promise this, and an equal sum to procure arms, in case of necessity, with 20 pieces of artillery.

The packet for Wilkinson, securing to the bearer the best opportunity of viewing the army and ascertaining its force, discipline and disposition, he was directed to improve it, and transmit to his employer without delay, the most correct and minute information he could obtain. A doubt was expressed whether a person of Wilkinson's character would prefer the command of the army of the United-States, to the glory of being the founder, the liberator, indeed the Washington of the western states. His part was said to be brilliant and easy; all eyes were fixed on him; he possessed the confidence of his fellow-citizens, and principally of the Kentucky volunteers; at the slightest movement, the people would hail him the general of the new republic. His reputation would raise him an army, and France and Spain enable him to pay it.

Pursuing his prophetic strain, the Baron added that, on Wilkinson's taking Fort Massac, he would instantly send him small arms and artillery from New-Orleans; and Spain, limiting herself to the posts at Natchez and Walnut Hills, would cede all the left bank of the Mississippi as high as the Ohio, which would form an extensive republic, con-

nected, by its situation and interests, with Spain, who, in conjunction with it, would force the Indians to seek its alliance and confound themselves, in time, with its citizens.

The Baron added that the western people were dissatisfied with the tax on whiskey, and Spain and France were enraged at the connexion of the United States with Great Britain; the army was weak and devoted to Wilkinson, and the threat of congress authorised him (the Baron) to succour the western people immediately and openly; money would not be wanting; and he was about despatching a vessel to Vera Cruz for a supply of it, and ammunition; so that nothing was required but an instant of firmness and resolution to render the western people free and happy. But, if they suffered the opportunity to pass unimproved, and the Spaniards were compelled to surrender the posts, Kentucky and Tennessee would forever remain under the oppressive yoke of the Atlantic states.

These instructions concluded with an assurance to Power, that if, by forcibly urging these arguments, he succeeded in bringing over Wilkinson, Lacasagne, Sebastian, Brackenridge, and the other principal men, and if, by dint of promises, which he (the Baron) pledged himself should be faithfully redeemed, and by the general diffusion of these notions among them, the public generally could be engaged to second their efforts, the object of his expedition would be accomplished, and he would acquire imperishable renown, and a claim to the most brilliant rewards; whilst, on the other hand, should he unfortunately fail, his employer would be able to procure him an appointment, which would place him beyond the reach of the envy or hatred of his enemies.

In the meanwhile other agents were sent among the nations of Indians within the territory of the United States, with speeches calculated to induce them to withdraw from the protection of congress, and take up the hatchet against the citizens of the United States.

The Baron, at the same time, reinforced the garrison of Fort Panmure, and that of the Walnut Hills; a measure which he said was resorted to, as one of precaution against the descent which the British meditated from Canada. The people of the district of Natchez viewed it as a prelude to the arrest of those among them who had manifested a partiality to the government of the United States. Their alarm was such as to drive a few of them to some violent steps. The subsequent commotion in the neighbourhood was so great as to induce Gayoso, with his family, to seek an asylum in the fort, on the seventh of June.

Four days after, he issued an elaborate proclamation, warning the people of the consequences of their illegal proceedings, requiring them to return to their duty and allegiance to their sovereign, submission to his laws and obedience to his officers; commanding those who had embodied themselves, to disperse and return to their usual and lawful occupations, as the only means of obtaining an amnesty for the past and security for the future.

A general meeting of the people, to deliberate on the state of the district, was proposed, and was generally approved of, but an apprehension was entertained that Gayoso would break up their assembly, by arresting those who might attend. Lieutenant Pope assured the inhabitants he would protect them at all hazards. He recommended that they should

come forward and assert their rights in the most solemn manner, and join the forces of the United States in case the Baron sent more soldiers there from New Orleans. The lieutenant's conduct was countenanced by Ellicot.

The meeting took place on the twentieth of June. They remembered the conduct of O'Reilly in 1769, and felt apprehensive of the consequences of any step they might take: they feared that Gayoso's proclamation might only be intended as a snare, and were anxious to fix the terms of their surrender so as to avoid every ambiguity of expression. At last they assented to Ellicot's proposition for the appointment of a committee of safety, of which lieutenant Pope was a member.

This committee called on Gayoso, and proposed that he should recognise their existence as a body—that none of the people should be injured or prosecuted on account of the part they had taken against government—that they should be exempted from serving in the militia, under the Spanish authorities, except to suppress riots or repress the insults of Indians—that they should be considered as in a state of neutrality, although governed by Spanish laws, and none of them should be sent out of the country under any pretence whatsoever.

Gayoso gave his ready assent to these propositions, and the Baron ratified what he had done, with a single and unimportant exception.

The fall of this year was very sickly in New-Orleans, and the city was visited by the yellow fever.

The Baron was now appointed president of the royal audience of the province of Quito, and left Louisiana.

This year, the people of the South-western Territory of the United States were admitted into the Union, as the state of Tennessee, and formed the sixteenth member of the confederacy.

John Adams succeeded General Washington in the presidency of the United States.

Archives—Gazettes—Clark—Wilkinson.

CHAPTER IX.

Don Manuel Gayoso de Lemos—Don Carlos de Grandpre—Power's report—General Collet—Instructions to commandants—The French princes—Captain Guion brings a reinforcement to Natchez—Line of demarcation—Mississippi territory—Georgia claim—Schedule for the disposal of vacant land—Deposit suspended—Arrangement as to deposit—Land regulations—Death of Gayoso—the Marquis de Casa Calvo—Upper Louisiana—Don Ramon de Lopez—Warlike measures of the U. S.—Vacant land—Division of the North-western territory—Deposit restored—Louisiana ceded to Spain—Grant of land to the city—Thomas Jefferson—Treaty between the U. S. and France.

Don Manuel Gayoso de Lemos, a brigadier-general of the royal armies, who commanded at Natchez, succeeded the Baron de Carondelet, in the government of the provinces of Louisiana and West-Florida, and was succeeded in his former command by Don Carlos de Grandpre. The latter officer, being obnoxious to the people of the district of Natchez, declined going there, and Major Minor, a native of New-Jersey, who came to Louisiana in the year 1778, and had accepted of a commission in the Catholic king's service, acted as commandant, until the

establishment of the government, under the authority of the United States.

Power now returned from the western country, and in his report to Gayoso, which bears date on the fifth of December, stated that he met Sebastian at Louisville, and communicated to him the real and ostensible objects of his mission, when, after conferring together, they were of opinion it was indispensable to add four propositions to those the Baron had authorised Power to make. Without the first, neither Sebastian, nor any other person concerned or interested in the important undertaking, would take any step for its success. These propositions were, that

1. If any person should lose his office, on account of promoting the Baron's views, he should be indemnified by the king of Spain.

2. The northern boundary of the king's dominion should be a line drawn from the mouth of the river Yazoo to the river Tombeckbee; and the northernmost Spanish fort should be six miles below that line.

3. But the king should retain the fort of San Fernando de Barancas (Chickasaw bluffs) with the land around it, ceded to him by the Indians by their treaty with Gayoso.

4. The king should not interfere, directly or indirectly, with the form of government or laws, which the western people should adopt.

Sebastian undertook to communicate the Baron's propositions, with the above amendments, to Innis and Nicholas. To conceal the real object of Power's journey, and avoid the resentment of the people of Louisville, who were enraged at his frequent visits and threatened to tar and feather him, it was agreed

that, after having seen Wilkinson at Detroit, he should return by Greenville, Cincinnati, Newport, Georgetown, and Frankfort, to meet Innis and Nicholas, and be informed of the success of their efforts; and that Sebastian, and another person, should accompany him to New-Orleans. Notwithstanding he (Sebastian) was of opinion that, for the present, all the means and efforts used to stimulate the western people to secede from the union, would be of no avail, he promised that nothing should be wanting, on his part, to obtain what was so much desired.

Power arrived in the neighbourhood of Detroit on the sixteenth of August, and finding that Wilkinson was then at Michilimackinac, he did not enter the fort. The general, immediately after his return, hearing of Power's arrival, had him arrested and brought to the fort, and thus got the Baron's dispatches. He gave a cold reception to the bearer, and informed him that the governor of the North-Western territory had orders to arrest and send him to Philadelphia, which could be prevented in no other manner than by sending him, under a strong guard to New-Madrid, without delay. He added, the Baron's project was a chimerical one, impossible to be executed, as the western people, having obtained, by the late treaty, all that they wanted, have no need of any connexion or alliance with Spain, nor any motive for a separation from the Atlantic states, even if France and Spain should make them the most advantageous offers—that the ferment which existed four years ago, had now subsided, and the vexations and depredations which the American commerce had suffered from the privateers of France, created an implacable hatred for that nation. He added that the people of Kentucky had proposed to

him to raise an army of ten thousand men, to take New-Orleans, in case of a rupture with Spain, and the governor of Louisiana had no other measure to pursue, under the present circumstances, than fully to comply with the treaty. He complained that all his plans were overturned, and all his labours for ten years past lost. He added that, he had destroyed all his cyphers and burnt his correspondence with the governors of Louisiana, and duty and honor did not permit him to continue it. The Baron, however, need not apprehend his confidence should be abused—that if Spain surrendered the district of Natchez to the United States, they would probably make him governor, and he should not then lack the opportunity of promoting his political projects. He complained that his connexion with the colonial government had been divulged—that Don Zenon Trudeau, the commandant at St. Louis, had sent emissaries among the Indian nations within the territory of the United States, inviting them to come and settle within that of Spain, as the Spanish king was at war with the British, and would soon be with the French.

On the sixth, Wilkinson delivered his answer, for the Baron, to Power, and immediately compelled the latter to depart for New-Marid, by the way of the Wabash, under a guard commanded by captain Shaumburg. On passing through Vincennes, Power sent an express to Louisville, in order to apprise Sebastian of what happened.

Power concluded his report, by stating that, with regard to the people of Kentucky, Sebastian's opinion differed from Wilkinson's. The former had told him that should war be declared between Spain and the United States, Louisiana would have nothing to fear from the people of Kentucky; and insinuated

it would more likely be the circumstance which should stimulate them against the United States. The reporter's own opinion was, that a great proportion of the most influential characters in Kentucky and Tennessee, had been the instigators of the expeditions set on foot, under Lachaise and Clark, against the dominions of Spain, by Genet. The rest were unambitious of conquest from Spain, and desired only to preserve the boundary secured to them by the treaties.

During this winter, general Collet, who had travelled through the states of Kentucky and Tennessee, by order of the French government, passed through New-Orleans. It was supposed Adet, the French minister at Philadelphia, sent him on an errand similar to that on which Lachaise had been employed by Genet.

Gayoso issued his *bando de buen gobierno*, in the month of January, 1798. It does not contain any important new regulation.

On the following day, he published a set of instructions to commandants, in regard to the grant of land, as follows:

1. They are forbidden to grant land to a new settler, coming from another spot, where he has obtained a grant. Such a one must buy land, or obtain a grant from the governor.

2. If a settler be a foreigner, unmarried, and without either slaves, money, or other property, no grant is to be made to him, until he shall have remained four years in the post, demeaning himself well in some honest and useful occupation.

3. Mechanics are to be protected, but no land is to be granted to them, until they shall have acquired

some property, and a residence of three years in the exercise of their trade.

4. No grant of land is to be made to any unmarried emigrant, who has neither trade nor property, until after a residence of four years, during which time he must have been employed in the culture of the ground.

5. But if, after a residence of two years, such a person should marry the daughter of an honest farmer, with his consent, and be by him recommended, a grant of land may be made to him.

6. Liberty of conscience is not to be extended beyond the first generation: the children of the emigrant must be Catholic; and emigrants, not agreeing to this, must not be admitted, but removed, even when they bring property with them. 'This is to be explained to settlers who do not profess the Catholic religion.

7. In Upper Louisiana, no settler is to be admitted, who is not a farmer or a mechanic.

8. It is expressly recommended to commandants, to watch that no preacher of any religion but the Catholic, comes into the province.

9. To every married emigrant of the above description, two hundred arpents may be granted, with the addition of fifty for every child he brings.

10. If he bring negroes, twenty additional arpents are to be granted him for each: but in no case are more than eight hundred arpents to be granted to an emigrant.

11. No land is to be granted to a trader.

12. Immediately on the arrival of a settler, the oath of allegiance is to be administered to him. If he has a wife, proof is to be demanded of their marriage; and, if they bring any property, they are to be

required to declare what part belongs to either of them; and they are to be informed that the discovery of any wilful falsehood in this declaration, will incur the forfeiture of the land granted them, and the improvements made thereon.

13. Without proof of a lawful marriage, or of absolute ownership of negroes, no grant is to be made for any wife or negro.

14. The grant is to be forfeited, if a settlement be not made within the year, or one tenth part of the land put in cultivation within two.

15. No grantee is to be allowed to sell his land until he has produced three crops on a tenth part of it; but in case of death, it may pass to an heir in the province, but not to one without, unless he come and settle it.

16. If the grantee owes debts in the province, the proceeds of the first four crops are to be applied to their discharge, in preference to that of debts due abroad. If, before the third crop be made, it becomes necessary to evict the grantee, on account of his bad conduct, the land shall be given to the young man and young woman, residing within one mile of it, whose good conduct may shew them to be the best deserving of it; and the decision is to be made by an assembly of notable planters, presided by the commandant.

17. Emigrants are to settle contiguous to old establishments, without leaving any vacant land—that the people may more easily protect each other, in case of any invasion by the Indians; and that the administration of justice, and a compliance with police regulations, may be facilitated.

Early in this year, the dukes of Orleans and Montausier, and the count of Beaujolais, came to New-Or-

leans from the western states. These grand-children of the duke of Orleans, who was regent of France during the minority of Louis XV. and descendants of Louis XIII. were seen with great interest by the inhabitants. After a stay of a few weeks, they departed for Europe, by the way of Havana.

Don Denys de la Ronde and Don Pedro de la Roche took their seats in the cabildo; the former as successor of Almonaster, and the latter as principal provincial alcade.

Captain Guion, an officer of the revolutionary war, came this winter to Natchez, with a strong reinforcement, and took the command of the forces brought by lieutenants M'Nary and Pope. On the 23d of March, the fort at the Walnut-Hills, and on the twenty-ninth, fort Panmure, were evacuated by the troops of Spain, and immediate possession taken by those of the United States. Shortly after, Gayoso gave orders to William Dunbar, who had succeeded him in the office of commissioner, on the part of Spain, for running the line of demarcation—to make arrangements with Ellicot, in order that the operations might be immediately begun. Major Trueman was the surveyor on the part of the United States, and Power, the baron's late agent, that on the part of Spain.

Congress, on the seventh of April, erected the country bounded, on the north, by a line drawn due east from the mouth of the river Yazou to the Catahouche river; on the east by that stream; on the south by the thirty-first degree of north latitude, and on the west by the Mississippi—into a separate government, to be called the Mississippi territory; and a form of government was established therein, similar to that provided for the north-western territory,

by the ordinance of 1787, with the exception of the clause prohibiting slavery.

The state of Georgia laid claim to the land included within the new government, or the greatest part of it; and congress declared that the establishment of the territorial body should not, in any respect, impair the rights, to any land west of that state, of any person or persons, either to the jurisdiction or soil of the said territory. The president of the United-States was authorised to appoint commissioners to ascertain, conjointly with others appointed on the part of the state, her right to any land west of the river Catahouche, north of the thirty-first degree of north latitude, and south of the land ceded by the state of North-Carolina to the United-States; and to receive proposals for the relinquishment, or cession, of the whole or any part of the other territory claimed by the state of Georgia and out of her ordinary jurisdiction.

Winthrop Sergeant was appointed governor of the new territory; and, on his arrival soon after, with the secretary and judges, its government went into operation.

The Northern Indians continuing to manifest pacific dispositions, it was thought proper to transfer the head-quarters of the army of the United-States to the Mississippi; and, accordingly, Wilkinson came to Natchez with a considerable part of the forces. Here was fixed, at this time, the southernmost post. He removed, with all his men, to the spot called by the French *la-Roche-à-Davion*, and by the English "Loftus-Heights," which was the most southerly tenable point within the United-States, and immediately began the fortification which was afterwards called Fort-Adams.

By a royal schedule of the twenty-first of October, the intendency of the provinces of Louisiana and West-Florida, was put in possession, to the exclusion of all other authority, of the privilege of dividing and granting all kinds of land belonging to the crown—a privilege which, under the royal order of the twenty-fourth of August, 1770, belonged to the civil and military government.

Riano and Fonvergne were the ordinary alcades for the year 1799.

On the 30th of April, Don Joseph Vidal, the commandant of the post of Concordia, opposite to Natchez, entered, by order of Gayoso, into an arrangement, with the governor of the Mississippi territory, for the reciprocal surrender of runaway slaves.

Morales, considering that three years had elapsed since the ratification of the treaty between his sovereign and the United-States, did not think himself authorised to allow any longer the citizens of the latter a place of deposit in the city of New-Orleans; and he issued an order accordingly. A measure which excited great commotion in the provinces and the United-States, particularly in Kentucky and Tennessee.

Gayoso and Wilkinson, on the first of March, entered into a provisional convention for the mutual surrender of deserters from the armies of Spain and the United-States, seeking an asylum within the limits of their respective adjacent territories.

In the latter part of the month, the running of the line of demarcation was completed, except a small portion of it on the borders of East-Florida, which

was deferred on account of the hostile appearance of the Indians.

On the seventeenth of July, Morales issued a set of regulations in regard to the grant of land, bottomed on the provisions of the late schedule, as follows:

1. To each newly arrived family, *à chaque famille nouvelle*, who are possessed of the necessary qualifications to be admitted among the number of cultivators of these provinces, and who have obtained the permission of the government to establish themselves on a place which they have chosen, there shall be granted, *for once*, if it is on the bank of the Mississippi, four, six, or eight arpents in front on the river, by the ordinary depth of forty arpents; and if it is at any other place, the quantity which they shall be judged capable to cultivate, and which shall be deemed necessary for pasture for their beasts, in proportion and according to the number of which the family is composed; understanding that the concession is never to exceed eight hundred arpents in superficies.

2. To obtain the said concessions, if they are asked for in this city, the permission which has been obtained to establish themselves in the place from the governor, ought to accompany the petition; and if, in any of the posts, the commandant at the same time will state that the lands asked for are vacant, and belong to the domain, and that the petitioner has obtained permission of the government to establish himself; and referring to the date of the letter or advice they have received.

3. Those who obtain concessions on the bank of the river, ought to make, in the first year of their possession, levees sufficient to prevent the inundation

of the waters, and canals sufficient to drain off the water when the river is high; they shall be held, in addition, to make, and keep in good order, a public highway, which ought to be at least thirty feet wide, and have bridges of fifteen feet over the canals or ditches which the road crosses; which regulations ought to be observed, according to the usages of the respective districts, by all persons to whom lands are granted, in whatever part they are obtained.

4. The new settlers who have obtained lands shall be equally obliged to clear and put in cultivation, in the precise time of three years, all the front of their concessions, for the depth of at least two arpents, under the penalty of having the lands granted reunited to the domain, if this condition is not complied with. The commandants and syndics will watch that what is enjoined in this and the preceding article, be strictly observed; and occasionally inform the intendant of what they have remarked, well understanding that in case of default they will be responsible to his majesty.

5. If a tract of land, belonging to minors, remain without being cleared, or as much of it as the regulations require; and that the bank, the road, the ditches, and the bridges, are not made, the commandant or syndic of the district will certify from whom the fault has arisen; if it is in the guardian, he will urge him to put it order; and, if he fails, he shall give an account of it; but, if the fault arises from want of means of the minor to defray the expense, the commandant or syndic shall address a statement of it to the intendancy, to the end that sale of it may be ordered for the benefit of the minor, to whom alone this privilege is allowed; if, in the space of six months, any purchaser presents himself; if

not, it shall be granted gratis to any person asking it, or sold for the benefit of the treasury.

6. During the said term of three years, no person shall sell or dispose of the land which has been granted to him, nor shall he ever after the term, if he has failed to comply with the conditions contained in the preceding article; and to avoid abuses and surprise in this respect, we declare that all sales made without the consent of the intendancy, in writing, shall be null and of no effect; which consent shall not be granted until they have examined, with scrupulous attention, if the conditions have or have not been fulfilled.

7. To avoid, for the future, the litigations and confusion of which we have examples every day, we have also judged it very necessary that the notaries of this city, and the commandants of posts, shall not take any acknowledgment of conveyances of land obtained by concession; unless the seller (grantor) presents and delivers to the buyer the title which he has obtained, and in addition, being careful to insert in the deed the metes and bounds, and other descriptions, which result from the title, and the *proces verbal* of the survey which ought to accompany it.

8. In case that the small depth which the points, upon which the land on the river is generally formed, prevent the granting of forty arpents, according to usage, there shall be given a greater quantity in front to compensate it; or, if no other person asks the concession, or to purchase it, it shall be divided equally between the persons nearest to it, who may repair the banks, roads, and bridges, in the manner before prescribed.

9. Although the king renounces the possession of the lands sold, distributed, or conceded, in his name,

those to whom they are granted or sold ought to be apprized that his majesty reserves the right of taking from the forests known here under the name of cypress woods, all the wood which may be necessary for his use, and more especially which he may want for the navy, in the same manner and with the same liberty that the undertakers have enjoyed to this time; but this, notwithstanding, they are not to suppose themselves authorised to take more than is necessary, nor to make use of or split those which are cut down and found unsuitable. •

10. In the posts of Opelousas and Attakapas, the greatest quantity of land that can be conceded, shall be one league front by the same quantity in depth; and when forty arpents cannot be obtained in depth, a half league may be granted: and, for a general rule, it is established, that, to obtain, in said posts, a half league in front by the same quantity in depth, the petitioner must be owner of one hundred head of cattle, some horses and sheep, and two slaves, and also in proportion for a larger tract, without the power, however, of exceeding the quantity before mentioned.

11. As much as it is possible, and the local situation will permit, no interval shall be left between concessions; because it is very advantageous that the establishments touch, as much for the inhabitants, who can lend each other mutual support, as for the more easy administration of justice, and the observance of rules of police, indispensable in all places, but more especially in new establishments.

12. If, notwithstanding what is before written, marshy lands, or other causes, shall make it necessary to leave some vacant lands, the commandants and syndics will take care that the inhabitants of the dis-

strict alone may take wood enough for their use only, well understanding they shall not take more; or, if any individual of any other post, shall attempt to get wood; or cut fire-wood, without having obtained the permission of this intendantcy, besides the indemnity which he shall be held to pay the treasury for the damage sustained, he shall be condemned, for the first time, to the payment of a fine of twenty-five dollars; twice that sum for the second offence; and, for the third offence, shall be put in prison, according as the offence may be more or less aggravated; the said fines shall be divided between the treasury, the judge, and the informer.

13. The new settler, to whom land has been granted in one settlement, cannot obtain another concession without having previously proven that he had possessed the first during three years, and fulfilled all the conditions prescribed.

14. The changes occasioned by the current of the river, are often the cause of one part of a concession becoming useless, so that we have examples of proprietors pretending to abandon and re-unite to the domain a part of the most expensive, for keeping up the banks, the roads, the ditches, &c. and willing to reserve only that which is good; and seeing that, unless some remedy is provided for this abuse, the greatest mischief must result to the neighbours, we declare that the treasury will not admit of an abandonment or re-union to the domain of any part of the land the owner wishes to get rid of, unless the abandonment comprehends the whole limits included in the concession or act in virtue of which he owes the land he wishes to abandon.

15. All concessions shall be given in the name of the king, by the general intendant of this province,

who shall order the surveyor-general, or one particularly named by him, to make the survey and mark the land, by fixing bounds, not only in front, but also in the rear; this (survey) ought to be done in the presence of the commandant or syndic of the district and of two of the neighbours; and these four shall sign the *proces verbal* which shall be drawn up by the surveyor.

16. The said *proces verbal*, with a certified copy of the same, shall be sent by the surveyor to the intendant, to the end that, on the original, there be delivered, by the consent of the king's attorney, the necessary title paper; to this will be annexed the certified copy forwarded by the surveyor. The original shall be deposited in the office of the secretary of the treasury, and care shall be taken to make annually a book of all which have been sent, with an alphabetical list, to be the more useful when it is necessary to have recourse to it, and for greater security, to the end that, at all times, and against all accidents, the documents which shall be wanted, can be found. The surveyor shall also have another book, numbered, in which the *proces verbal* of the survey he makes shall be recorded; and, as well on the original, which ought to be deposited on record, as on the copy intended to be annexed to the title, he shall note the folio of the book in which he has enregistered the figurative plat of survey.

17. In the office of the finances there shall also be a book, numbered, where the titles of concessions shall be recorded; in which, beside the ordinary clauses, mention shall be made of the folio of the book in which they are transcribed. There must also be a note taken in the contadoria (or chamber of accounts) of the army and finances, and that un-

der the penalty of being void. The chamber of accounts shall also have a like book; and, at the time of taking the note, shall cite the folio of the book where it is recorded.

18. Experience proves that a great number of those who have asked for land think themselves the legal owners of it; those who have obtained the first decree, by which the surveyor is ordered to measure it, and to put them in possession; others, after the survey has been made, have neglected to ask the title for the property; and, as like abuses, continuing for a longer time, will augment the confusion and disorder which will necessarily result, we declare that no one of those who have obtained the said decrees, notwithstanding, in virtue of them, the survey has taken place, and that they have been put in possession, can be regarded as owners of land until their real titles are delivered, completed with all the formalities before recited.

19. All those who possess lands in virtue of formal titles given by their excellencies the governors of this province, since the epoch when it came under the power of the Spanish; and those who possessed them in the time when it belonged to France, so far from being interrupted, shall, on the contrary, be protected and maintained in their possessions.

20. Those who, without the title or possession mentioned in the preceding article, are found occupying lands, shall be driven therefrom, as from property belonging to the crown; but, if they have occupied the same more than ten years, a compromise will be admitted to those who are considered as owners, that is to say, they shall not be deprived of their lands. Always that, after information, and summary procedure, and with the intervention of the

procureur of the king, at the board of the treasury, they shall be obliged to pay a just and moderate retribution, calculated according to the extent of the lands, their situation, and other circumstances, and the price of estimation for once paid into the royal treasury. The titles to property will be delivered, on referring to that which has resulted from the proceedings.

21. Those who are found in a situation expressed in the 18th article, if they have not cleared nor done any work upon the land they consider themselves proprietors of, by virtue of the first decree of the government, not being of the number of those who have been admitted in the class of new comers, in being deprived or admitted to compromise, in the manner explained in the preceding article: if they are of that class, they shall observe what is ordered in the article following.

22. In the precise and peremptory term of six months, counting from the day when this regulation shall be published in each post, all those who occupy lands without titles from the governor, and those who, in having obtained a certain number of arpents, have seized a greater quantity, ought to make it known, either to have their titles made out, if there are any, or to be admitted to a compromise, or to declare that the said lands belong to the domain, if they have not been occupied more than ten years; understanding, if it passes the said term, if they are instructed by other ways, they will not obtain either title or compromise.

23. Those who give information of lands occupied, after the expiration of the term fixed in the preceding article, shall have for their reward the one fourth part of the price for which they are sold, or obtained

by way of compromise; and, if desirable, he shall have the preference, either by compromise, at the price of appraisement, and there shall be made a deduction of one fourth, as informer.

24 As it is impossible, considering all the local circumstances, that all the vacant lands belonging to the domain should be sold by auction, as it is ordained by the law 15th, title 12th, book 4th, of the collection of the laws of these kingdoms, the sale shall be made according as it shall be demanded, with the intervention of the king's attorney for the board of finances, for the price they shall be taxed, to those who wish to purchase; understanding, if the purchasers have not ready money to pay, it shall be lawful for them to purchase the said lands at redeemable quit-rent, during which they shall pay the five per cent. yearly.

25. Besides the moderate price which the land ought to be taxed, the purchasers shall be held to pay down the right of *media annata*, or half year's, to be remitted to Spain, which, according to the custom of Havana, founded on law, is reduced to two and a half per cent. on the price of estimation, and made 18 per cent. on the sum, by the said two and a half per cent.; they shall also be obliged to pay down the fees of the surveyor and notary.

26. The sales of land shall be made subject to the same condition, and charges of banks, roads, ditches and bridges, contained in the preceding article. But the purchasers are not subject to lose their lands; if, in the three first years, they do not fulfil the said conditions. Comandants and syndics shall oblige them to put themselves within the rule, begin to perform the conditions in a reasonable term, and, if they do not do it, the said work shall be done at the cost of the purchasers.

27. Care shall be taken to observe in the said sales, that which is recommended in the 11th article, seeing the advantages and utility which result from consolidating the establishments always when it is practicable.

28. The titles to the property of lands which are sold, or granted by way of compromise, shall be issued by the general intendant, who, after the price of estimation is fixed, and of the *media annata* (half year's) rent, or quit-rent, the said price of estimation shall have been paid into the treasury, shall put it in writing according to the result of the proceeding which has taken place, with the intervention of the king's attorney.

29. The said procedure shall be deposited in the office of the finance, and the title be transcribed in another book, intended for the recording of deeds and grants of land, in the same manner as is ordered by the 17th article, concerning gratuitous concessions. The principal chamber of accounts shall also have a separate book, to take a note of the titles issued for sales and grants under compromise.

30. The fees of the surveyor, in every case comprehended in the present regulation, shall be proportionate to the labour and that which it has been customary until this time to pay. Those of the secretary of finances, unless there has been extraordinary labour, and where the new settlers are not poor [for in this case he is not to exact any thing of them] shall be five dollars; and this shall include the recording and other formalities prescribed, and those of the appraisers, and of the interpreter, if, on any occasion, there is reason to employ him to translate papers, take declarations or other acts, shall be regulated by the provincial tariff.

31. Indians who possess lands within the limits of the government, shall not, in any manner, be disturbed; on the contrary, they shall be protected and supported; and to this, the commandants, syndics, and surveyors, ought to pay the greatest attention, to conduct themselves in consequence.

32. The granting or selling of any lands shall not be proceeded in without formal information having been previously received that they are vacant; and, to avoid injurious mistakes, we premise that, beside the signature of the commandant or syndic of the district, this information ought to be joined by that of the surveyor, and of two of the neighbours, well understanding. If, notwithstanding this necessary precaution, it shall be found that the land has another owner besides the claimant, and that there is sufficient reason to restore it to him, the commandant or syndic, the surveyor, and the neighbours who have signed the information, shall indemnify him for the losses he has suffered.

33. As far as it may be practicable, the inhabitants must endeavor that the petitions presented by them, to ask for lands, be written in the Spanish language; on which ought, also, to be written the advice or information which the commandants are to give. In the posts where this is not practicable, the ancient usage shall be followed.

34. All the lots or seats belonging to the domain, which are found vacant, either in this city, or boroughs, or villages, already established, or which may be established, shall be sold for ready money, with all the formalities prescribed in article the twenty-fourth, and others, which concern the sale of lands.

35. The owners of lots or places, which have been divided, as well those in front, as towards the N. E. and S. W. extremities, N. E. and S. W. shall, within three months, present to the intendancy the titles which they have obtained; to the end that, in examining the same, if any essential thing is found wanting, it may be supplied, and they assured of their property in a legal way.

36. The same thing must be done before the sub-delegates of Mobile and Pensacola, for those who have obtained grants for lots in these respective establishments; to the end that this intendancy, being instructed thereon, may order what it shall judge most convenient to indemnify the royal treasury, without doing wrong to the owner.

37. In the office of the comptroller, contadoria of the army, or chambers of accounts of this province, and other boards under the jurisdiction of this intendancy, an account shall be kept of the amount of sales or grants of lands, to instruct his majesty every year what this branch of the royal revenue produces, according as it is ordered in the thirteenth article of the ordinance of the king, of the 15th of October, 1754.

38. The commandants, or syndics, in their respective districts, are charged with the collection of the amount of the taxes or rents laid on lands; for this purpose the papers and necessary documents are to be sent to them; and they ought to forward annually, to the general treasury, the sums they have collected, to the end that acquittances, clothed with the usual formalities of law, may be delivered to them.

Gayoso now received and executed a commission of judge of residence of his predecessor. One act

of the Baron's administration was deemed reprehensible. He had been deluded, by an excess of zeal for what he conceived to be the public good, to take upon himself the responsibility of condemning to death a slave, who had killed his overseer. The fact was proven, but Vidal, the assessor of government, conceived that the circumstances, which attended it, did not bring the case under any law authorising a sentence of death, and had recommended a milder one. At the solicitation of a number of respectable planters, and of the owner of the slave, Marigny de Mandeville, a knight of St. Louis and colonel of the militia, who represented to the Baron that an example was absolutely necessary, especially so soon after the late insurrection, he disregarded the opinion of his legal adviser and ordered the execution of the slave. It was thought the life of a human being, although a slave, ought not to depend on the opinion of a man, in any case where its sacrifice was not expressly ordered by law. A fine of five hundred dollars was paid by the Baron.

Don Francisco de Bouligny, who had succeeded Piernas in the command of the regiment of Louisiana, died and was succeeded by colonel Howard.

The Marquis de Someruelos, succeeded the Count de Santa Clara, as captain-general of the island of Cuba, and the provinces of Louisiana and East and West Florida. The Marquis retained this office until the cession.

The increase of the commerce of the United-States with New-Orleans, induced the appointment of a consul there, and the President commissioned Evan Jones as such.

The post of New-Madrid was this year annexed to Upper-Louisiana.

Gayoso died on the 18th July, in his forty-eighth year. Don Maria Vidal, the lieutenant-governor, now acted as civil governor of the two provinces, and the captain-general, on hearing of Gayoso's death, sent over the Marquis de Casa-Calvo, to act as military governor.

Don Ramon de Lopez y Angallo, a knight pensioner of the royal and distinguished order of Charles III. who had been appointed intendant of the provinces of Louisiana and West-Florida, arrived at New-Orleans in the latter part of the year.

A report made by Don Carlos Dehault Delassus, commandant general of Upper-Louisiana, presents the following result on the last day of this year.

CENSUS.

| | |
|--------------------|-----|
| St. Louis, | 925 |
| Canondelet, | 184 |
| St. Charles, | 875 |
| St. Fernando, | 276 |
| Marais des Liards, | 376 |
| Maramec, | 115 |
| St. Andrew, | 393 |
| St. Genevieve, | 949 |
| New-Bourbon, | 560 |
| Cape Girardeau, | 521 |
| New-Madrid, | 782 |
| Little Meadows, | 49 |

6028

The white population was 4948 souls; the free coloured 197; that of slaves, 883.

During this year there were 34 marriages, 191 births, and 52 deaths.

There were in the different settlements, 7980 head of horned cattle, and 1763 horses.

The crops amounted to 88,349 minots of wheat, 84,534 of Indian corn, and 28,627lbs. of tobacco.

The exports to New-Orleans, consisted of:

| | | |
|------|------------------------------|----------|
| 1754 | bundles of deerskins, at 40, | \$70,160 |
| 8 | do. bearskins, at 32, | 256 |
| 18 | do. buffalo robes, at 30, | 540 |
| 360 | quintals of lead, at 6, | 2160 |
| 20 | do. flour, at 3, | 60 |
| | | <hr/> |
| | | 73,176 |

1340 quintals of lead were exported to the United States, by the Ohio, Cumberland, and Tennessee rivers.

One thousand bushels of salt were made yearly

The United-States had been induced, by the conduct of France and Spain, to make warlike preparations; both of those powers having committed spoliation on their trade, and the latter (in violation of her treaty, as the United-States considered it) having ceased to allow their citizens a place of deposit in New-Orleans. General Washington had accepted the chief command of the armies of his country, but had stipulated that he should not be called on to take the field until his presence became absolutely necessary; and in the meanwhile the superintendence of the forces had been committed to generals Hamilton and Pinkney. The agency of the former had been extended to all the western army, except that part which might be within the states of Kentucky and Tennessee; and it was deemed that Wilkinson's presence at his head-quarters was indispensable to a full and satisfactory discussion of matters relating to a section of country, with many of the most important transactions of which he had been;

in some way or other, concerned. He accordingly descended the Mississippi, and took shipping for New-York.

Government had determined on a mode of redress, of which the conception was as bold as its execution was difficult. This was nothing less than the acquisition of New-Orleans, which appeared calculated to indemnify the United-States for their losses, and appease the fears of the western people. The success of the enterprise depended almost entirely on its being conducted in such a way as not to awake the suspicions of Spain. The differences with France offered a cover for the real design. Twelve regiments were this year added to the army, to serve during the continuance of the differences. Three of these regiments were ordered to the mouth of the Ohio, and to keep their boats in constant readiness. The assent of congress was to be asked at their next meeting.

General Washington died on the fourteenth of December.

The ordinary alcades for the year 1800, were Perez and Poyfarre.

Application having been made to Don Henry Peyroux, the commandant at New-Madrid, for the purchase of several very large tracts of land, particularly one of one hundred thousand acres, he consulted Lopez, the new intendant, who refused his assent, being of opinion that it never was the intention of the king to dispose of the vacant lands, in quantities so large. He admitted the new regulations were made with a view to the *sale* of lands; but they were to be disposed of in compliance with the previous formalities, and a reference to the abilities and

forces of the parties desirous of purchasing; because it would not be just that, for a small consideration, one or more speculators should engross a vast extent of land, to the prejudice of others who came to settle, who would consequently find themselves driven to purchase those lands which they might have gratuitously, or at any rate at a low price.

The culture of the cane requiring an additional number of hands, the colonial government, in the beginning of November, at the solicitation of the cabildo, issued a proclamation, suspending, until the pleasure of the king should be known, the existing prohibition of the introduction of African negroes.

On the seventh of May, the north-western territory of the United-States was divided: the western part of it was erected into a distinct government, under a form similar to that established by the ordinance of 1787. It was called the Indiana territory.

The marked determination of the people of the United-States not to re-elect the president, induced him to abandon the plan he had formed for the seizure of New-Orleans.

By the third article of a treaty concluded at St. Ildefonso on the first of October of this year, between the Catholic king and the first consul of the French republic, the former promised and engaged on his part, to cede to the French republic, six months after the full and entire execution of the conditions therein stipulated, in relation to the duke of Parma, the colony and province of Louisiana, with the same extent that it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other powers.

Forstall and Caisergues were the ordinary alcades for the year 1801 and 1802.

Don Dominique Bouigny took his seat in the *cabildo* as a perpetual regidor.

The king having disapproved of the suppression of the right of deposit in New-Orleans, allowed to citizens of the United States, right was now restored to them.

The suspension of the prohibition of the introduction of Guinea negroes, met with the king's approbation, and he decreed it to continue until he gave order to the contrary.

On the twenty-first of March, the cession of Louisiana to France was effected. Buonaparte took immediate measures to possess himself of his acquisition. An immense body of troops was destined to this service. A form of government was adopted for the province. Victor was appointed captain-general, Laussat colonial *prefet*, and Ayme chief justice.

By a royal schedule of the tenth of May, the king gave his assent to the proposition of the Baron de Carondelet, that three hundred toises of the commons behind the city and near the fortifications, which in their then situation produced nothing, being covered with water during one half of the year, should be divided into lots of seventy toises in front, and one hundred and forty in depth, and let out for a moderate rent to such inhabitants of the city as might wish to occupy them as gardens, and the money thus raised applied to the lighting of the city, so that in the course of a few years the whole ground could by tillage be raised above the level of the water, and the occupier of these lots draining them by trenches into the canal Carondelet, would put an end to the

putrid fevers occasioned by the stagnation of water in ponds near the city, which was the cause of much mortality.

Thomas Jefferson succeeded John Adams in the presidency of the United-States, on the fourth of March.

The differences that had prevailed between the United-States and the French republic, were terminated by a treaty entered into at Paris, and ratified on the first day of June.

Archives—Gazettes.

CHAPTER X.

Don Juan M. de Salcedo—Treaties with the Chickasaws and Choctaws—Don Carlos de Jaen—Royal schedule—The land office shut—The deposit disallowed—The state of Ohio—The deposit partially restored—Form of government—Laussat, his proclamation—Address of the inhabitants—The Marquis de Casa Calvo—Commissioners' proclamation—Cession of Louisiana to the United States—Possession delivered to the commissioner of France—His proclamation—Municipal body—Claiborne and Wilkinson receive possession for the United States.

Don Juan Manuel de Salcedo, a brigadier-general of the royal armies, arrived towards the middle of June, with a commission of governor of the provinces of Louisiana and West-Florida, and the Marquis de Casa-Calvo sailed for Havana.

Daniel Clark, a citizen of the United States, residing in New-Orleans, was appointed consul of these states in said city.

Lopez sailed for Spain, and the duties of his office were provisionally performed by Morales, the contador.

The Mississippi territory was separated from the United States, by lands belonging to Indians, through which travelling was often difficult; a remedy was now applied to this evil.

On the twenty-fourth of October, a treaty was concluded on the Chickasaw Bluffs, between the United-States and the Chickasaw nation of Indians, by which the latter permitted the former to lay out, open, and make a convenient waggon-road through the Indian land, between the settlements of Miro district, in the state of Tennessee, and those of Natchez in the Mississippi territory; and it was provided that the necessary ferries over the water courses crossed by the road, should be deemed the property of the Indians.

On the seventeenth day of December, another treaty was concluded at Fort-Adams, on the Mississippi, between the United-States and the Choctaw nation of Indians, by which the latter gave their consent that a convenient and durable waggon road might be explored, marked, opened, and made thro' their land, to commence at the north-western extremity of the Mississippi territory, and extend to the land of the Chickasaws. The Choctaws agreed that the old boundary line, heretofore established by the officers of the king of Great-Britain and the Choctaw nation, which runs in a parallel direction with the Mississippi river eastward, should be retraced and plainly marked, and be held ever after as the boundary between the settlements of the Mississippi territory and the Choctaw nation. The Choctaws relinquished to the United-States all their rights to the land between this line and the Mississippi, bounded on the south by the thirty-first degree of north latitude, and on the north by the river Yazoo, where the line shall strike the stream. The United-States engaged that all persons who might settle beyond this line, should be removed within it, on the side towards the Mississippi, together with their

slaves, household furniture, tools, stock, and materials, and their cabins or houses demolished.

On the twenty-fifth of March, 1802, a definitive treaty of peace, between Spain, France, and Great-Britain, was signed at Amiens.

Don Carlos de Jaen came over with and executed a commission of judge of residence of Miro.

By a royal schedule of the eleventh of June, the contribution to be paid on legacies, devises, and successions *ab intestato*, in favour of relatives and relations of deceased persons or strangers, was reduced to and fixed at four per cent. That on legacies or devises to a husband or wife, at one half of one per cent. This charge, however, was not to extend to estates of less than two thousand dollars, nor to bequests for the benefit of the soul of the deceased.

The Baron de Basirop having ceded to Moorhouse, a citizen of the United-States, a part of the grant he had obtained from the Baron de Carondelet, in 1796, on the Washita, the king disapproved of this arrangement, and by a royal schedule of the eighteenth of July, forbade the grant of any land in Louisiana to a citizen of the United-States.

Serano, the assessor of the intendancy, died on the first of December. Morales, in consequence of this event, and of the absence of a legal character to supply his place, closed the tribunal of affairs and causes relating to grants and compositions of royal lands, the ordinance for the intendants of New Spain, providing that for conducting the affairs of that tribunal and substantiating its acts, there should be the concurrence of such a character.

During the last quarter of this year, citizens of the United-States were not allowed the right of a depo-

sit in or near New-Orleans, and the importation of goods in American bottoms was not permitted.

Lopez, having lost the office of intendant by the cession of Louisiana to France, was appointed consul-general of Spain at New-Orleans, and embarked on board of a vessel for that city, but died on the passage.

On the twenty-ninth of November, the people of the E. division of the N. W. territory of the United-States, became a state under the name of the state of Ohio, being the seventeenth.

Forstall and Lanusse were the ordinary alcaldes during the year 1803.

Towards the latter part of January, Morales issued a proclamation, allowing the importation of flour and provisions from the United States, on payment of a duty of six per cent. subject to exportation in Spanish bottoms only.

On the first of March, the king disapproved of the order of Morales, prohibiting the introduction and deposit of goods, wares, and merchandize, from the United States, in the port of New-Orleans; and ordered that the United States should continue to enjoy their right of deposit in New-Orleans, without prejudice of his to substitute some other spot on the banks of the Mississippi.

By an act of congress of the ninth of February, provision was made for granting licenses, at the custom-house at Fort-Adams, to vessels owned by citizens of the United States, lying on the Mississippi, below the thirty-first degree of northern latitude.

General Victor had been appointed, by the first consul, commissioner for receiving possession of the

province of Louisiana, and his arrival being daily expected, the cabildo, on the twenty-third of March, 1803, caused the supply of meat for the French troops accompanying him, to be put at auction to the lowest bidder, with the exclusive right of supplying the inhabitants of the city. The contractor was required to keep constantly a stock of at least one thousand head of cattle in or near the city of New-Orleans.

A vessel, arriving from Havre-de-Grace, on the following day, brought the baggage of Laussat, the colonial prefect, who was preceding the captain-general, with a special mission, for the purpose of providing whatever might be necessary on the arrival of the troops, and making arrangements for the establishment of the government of the republic.

By this vessel the people of Louisiana were informed of the form of government provided for the province by its new master.

Its principal officers were a captain-general, a colonial prefect, and a commissary of justice.

The captain-general was commander in chief of the land and naval forces, and had the care of the exterior and interior defence of the colony. He provisionally filled the vacancies in military offices, according to the order of advancement, as far as the grade of chief of division or squadron, and proposed to the minister proper persons to fill higher grades. He delivered passports, regulated the bearing of arms, and corresponded with the governors of other colonies, whether belonging to allies, neutrals, or enemies. With the colonial prefect, he regulated the works to be done on the fortifications, and the new roads to be opened; and finally exercised all powers formerly granted to governors.

general. He was forbidden to interfere with the attributions of the colonial prefect or commissary of justice; but was authorised to require from either of them information on any matter relative to the service. Power was given him to suspend provisorily the execution of laws, in whole or in part, on his responsibility, after having consulted the colonial prefect, or the commissary of justice, according to the nature of the case.

Copies of every deliberation were to be sent yearly to the minister.

Vacant lands were to be granted by the captain-general and colonial prefect; but in case of disagreement the opinion of the former was to prevail.

Vacancies in the departments of the colonial prefect and commissary of justice, were to be filled by the captain-general on their nomination; but no appointment was final until confirmed by the first consul.

In case of the absence of the captain-general, he was to be represented by the colonial prefect, or by the highest military officer.

The colonial prefect's powers extended to the administration of the finances, the general accountability and destination of all officers of administration. He was exclusively charged with the police of the colony, including all that related to taxes, receipts and expenditures, the custom-house, the pay of the troops, the public stores, agriculture, navigation, commerce, the census, the suppression of contraband trade, the police of slaves, highways, levees, public instruction and worship, the press, and generally all the powers formerly exercised by intendants, commissaries-general, and ordonnateurs. In the assessment of taxes he was to consult three

merchants and three planters. In case of absence, he was to be represented by the officer of administration next in rank.

The commissary of justice had the superintendence of all courts of justice and their ministerial officers: he was to have an eye to the regular administration of justice, the safety and salubrity of gaols, as well as the conduct of officers and clerks. He might preside and vote in any court of justice. He was to require monthly statements from the president and clerk of each court, of every case tried, and communicate it to the captain-general. He was authorised to make rules for the administration of justice, and, with the consent of the captain-general, order them to be observed. Agents of government were not suable for any matter relating to their officers, nor any citizen in the public service arrested without his *fiat*, and he was to give an account of his proceedings in this respect to the minister. He was to prepare a civil and criminal code, and submit it to the captain-general and colonial prefect for their examination, and transmit it, with the process verbal of their deliberations thereon, to the minister. He had the police of vagrants.

In the latter part of the month, notice reached New-Orleans, of the arrival, at the Balize, of a French national brig, having on board Laussat, the colonial prefect. Salcedo immediately dispatched a captain and a lieutenant of infantry in the government barge, and Morales, an officer of administration, in that of the custom-house, to meet and congratulate the representative of the French republic. Laussat came up in the government barge, landed at the levee on the twenty-sixth, and was immediately conducted to the government-house, where Salcedo

and Morales, surrounded by the staff of the garrison and army, the officers of the militia, and the head of the clergy, were assembled for his reception.

In this interview Laussat announced the fixed determination of the French government to promote the prosperity of the colony, to cause order to prevail in it, to maintain its laws, to respect the treaties with Indian nations, and protect the exercise of public worship without any change therein. He added that the captain-general and troops, who had left Holland, as he believed, in the latter end of January, would probably arrive here towards the middle of April.

A few days afterwards, he issued a proclamation in the name of the French republic.

This document begins by stating that the separation of Louisiana from France marked in the annals of the latter one of the most shameful eras under a weak and corrupt government, after an ignominious war and dishonorable peace. With this unnatural abandonment by the mother country, the love, loyalty, and heroic courage of the people of Louisiana formed a noble contrast, with which every heart in France was now moved, and would long preserve the remembrance of. The French still remembered that a portion of the inhabitants of Louisiana were their descendants, with the same blood running in their veins. As soon as France, by a prodigious succession of triumphs, in the late revolution, had recovered her own freedom and glory, she turned her eyes towards Louisiana, the retrocession of which signalized her first peace. But the period was not yet arrived—it was necessary that a man, who is a stranger to nothing that is national, great, magnanimous or just; who, to the most distinguish-

ed talent for conquering, adds the rare one of obtaining for his conquests the happiest results, and by the ascendancy of his character, at once strikes terror to his enemies, and inspires his allies with confidence—whose expansive mind discovered at once the true interests of his country, and was bent on restoring to France her pristine grandeur and her lost possessions—should accomplish this important work.

This man, said the prefect, presides over the destinies of France and Louisiana, to insure their felicity. In the latter nothing more was necessary than to improve the bounties of which nature had been so prodigal towards her.

He observed it was the intention of government to do this—to live in peace and amity with the neighbouring Indians, and protect the commerce of the colony; encourage its agriculture, people its deserts, promote labour and industry, respect property, opinions, and habits, protect public worship, preserve the empire of the laws, amend them slowly and with the light of experience only, maintain a regular police, introduce permanent order and economy in every branch of administration, tighten the bonds which a common origin and a similarity of manners had already established between the colony and the mother country, was the honorable object of the mission of the captain-general, colonial prefect, and commissary of justice, sent by the first consul.

After a short eulogy of the two high magistrates with whom he was associated, and of the officers who had hitherto governed the colony under the authority of Spain, whom he said the former would endeavour to imitate, he concluded with an assurance that the devotion of the people of Louisiana

to the French republic, their gratitude to those by whom they were re-united to it, and the spectacle of their prosperity, were the rewards which he aspired to, and should endeavour to deserve by a zeal which would know no limits but the fulfillment of his duties.

In an address, which was presented to him a few days afterwards, subscribed by a considerable number of the most respectable planters and merchants, assurance was given him that France had done justice to the sentiments of the people of Louisiana, in giving them credit for the attachment they had preserved for her. Thirty-four years of foreign domination had not extinguished or even diminished in their hearts the sacred love of their country; and their joy on returning under her banner, could only be equalled by the grief which they had felt on seeing it lowered in the midst of them. They were happy in having lived long enough to witness the reunion of the colony to France—an event which they had never ceased to desire, and which now gratified their utmost wishes.

They added that in an age so fruitful in astonishing events, greater, more important and memorable had occurred, but none in its history could present a more affecting and interesting spectacle than that of victorious and triumphant France holding out a protecting hand to children heretofore cast out from her bosom, by a weak and vacillating government, and calling them to a share in the fruits of a glorious peace, terminating in the most brilliant manner a bloody and terrible revolution.

They observed that the prefect had signalled the return of the French government, by bearing an authentic testimony of its beneficent views. His

proclamation had filled the people with gratitude for its parental care, and they already felt the happiness of their union with the French republic. The happy selection of some of her most virtuous citizens to govern them, and her choicest troops to protect them, were sure pledges of their future happiness and prosperity. They offered in return their love and obedience, and swore to endeavour to prove themselves worthy of the title of French citizens.

The answer concludes by expressing the belief that France would attach less value to the assurance the people of Louisiana gave of their loyalty and fidelity, if they did not, at the same time, manifest some regret at the dissolution of their allegiance to a sovereign who had heaped on them his choicest favours, during the time they had lived under him. They protested that their hearts entertained no such guilty indifference; their grief, on separating from him, was mingled with joy on recovering their country; and they would prove themselves worthy members of the French republic, in preserving during their lives the remembrance of his paternal care.

The Marquis de Casa Calvo, who had acted as military governor after the death of Gayoso, arrived from the Havana on the tenth of April, having been joined to Salcedo in a commission for the delivery of possession of the province to the commissioners of France. On the eighteenth of May, Salcedo and he issued a proclamation, announcing the intention of their sovereign to surrender the province to the French republic, and that his majesty, retaining the same affection as ever for the inhabitants of the province, and desiring to continue to them the same protection which he had hitherto extended to them, had determined

1. That the cession of the colony and island of New-Orleans should be on the same terms as that of his Most Christian to his Catholic majesty; and consequently the limits on both sides of the river St. Louis, or Mississippi, should continue as they remained by the fifth article of the definitive treaty of peace concluded at Paris on the tenth of December, 1763; and accordingly, the settlements from the bayou Manchac, as far as the line which separated the dominions of Spain and those of the United-States, should remain a part of the monarchy of Spain and be annexed to the province of West Florida.

2. Every individual, employed in any branch of the king's service, and wishing to remain under his government, might proceed to Havana or any other part of his dominions, unless he preferred entering into the service of the French republic, which he might do: but if any just reason prevented his immediate departure, he might urge it in proper time.

3. The king's generosity induced him to continue to widows and others their respective provisions, and he would make known, in due time, in what manner he wished they should avail themselves of this favour.

4. He declared his expectation, from the sincere friendship and alliance which existed between him and the French republic, that orders would be given to the governors and other officers employed by France in Louisiana, that the clergy and religious institutions should be permitted to remain in the discharge of their offices, within their respective curacies and missions, and enjoy their former emoluments, privileges and exemptions—that the tribunals established for the administration of justice, and or-

dinary judges, should be allowed to continue to administer it according to the former laws and usages of the province—the inhabitants maintained in the peaceable possession of their property, and all grants made to them by the former governors confirmed, even when not finally ratified by the king—and finally, that the French government should continue to the people of Louisiana the favour and protection they had enjoyed under Spain.

Every thing seemed now ready, and the arrival of Victor, the commissioner of France for receiving possession, was hourly expected—every one had his tri-coloured cockade ready to be stuck in his hat as soon as the Spanish flag was lowered and the French hoisted, when a vessel from Bordeaux brought accounts of the sale of the province, by Bonaparte, to the United States.

By a treaty concluded at Paris on the thirtieth of April, the first consul had ceded, in the name of the republic, to the United States, for ever and in full sovereignty, the province of Louisiana, with all its rights and appurtenances in full, and in the same manner as they had been acquired by the republic from the Catholic king.

2. In the cession are included the islands adjacent to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents relative to the domains and sovereignty of the province, are to be left in the possession of the commissioners of the United States, and copies given afterwards in due form to magistrates and principal officers, of such papers and documents as may be necessary to them.

3. It is provided that the inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the advantages and immunities of citizens of the United States; and in the mean time be unrestrained and protected in the free enjoyment of their liberty, property, and the religion which they possess.

4. The government of France is to send a commissioner to Louisiana, to the end that he may do all acts necessary to receive possession of the country and its dependencies, from the officers of Spain, in the name of the French republic, and deliver it over to the commissioners or agents of the United States.

5. Immediately after the ratification of the treaty, by the president of the United States, in case that of the first consul shall have been obtained, the commissioner of the French republic shall surrender all military posts in New-Orleans, and in the rest of the ceded territory, to the commissioners of the United States, and the troops of France are to be withdrawn.

6. The United States promise to execute all treaties entered into by Spain with the Indians.

7. French vessels coming directly from France or her colonies, loaded only with the produce or manufactures of France or her colonies; and those of Spain, coming directly from the peninsula or her colonies, loaded only with the produce or manufactures of Spain or her colonies, are to be admitted, during twelve years, into the ports of the ceded territory, in the same manner as vessels of the United States coming directly from France, Spain, or any of their colonies, without paying any higher duty on

tonnage or merchandise than citizens of the United States. During these twelve years, no other nation shall enjoy the same advantages.

8. Afterwards and forever, French vessels are to be treated upon the footing of the most favored nations, in these ports.

By two separate conventions of the same date, the United States engaged to pay sixty millions of francs to France, and discharge certain claims of their citizens on that power. A stock of eleven millions, two hundred and fifty thousand dollars, was created, bearing interest at six per cent, payable in London, Amsterdam, or Paris; the principal to be reimbursed at their treasury in annual instalments of not less than three millions, the first of which was to be paid fifteen years after the exchange of the ratifications. The French government promised, if disposed to sell the stock, to do so to the United States, on the best terms. The value of the dollar of the United States was fixed at five livres eight sous.

The Catholic king made a solemn protest, on being informed of the sale of Louisiana by the first consul; and his minister at Washington-city sent to the department of state a representation on the defects which, in the opinion of the cabinet of Madrid, impaired the alienation; detailing the motives which had induced his sovereign to protest against it—the principal of which was, that France had promised never to alienate the ceded territory. After this representation, an opinion prevailed, both in Europe and America, that the king had given, or would give, orders to prevent the delivery of the province to the French. The minister of the United States at Madrid, was therefore instructed to ascertain whether there was any ground for the rumour.

In the month of June, the Spanish nuns in the convent of the Ursulines, unwilling to live under the government of the French republic, sailed for Havana, where the government gave them a house, and they established a convent of their order.

Congress, on the last day of October, authorised the president of the United States to take possession of the ceded territory; and in order to maintain therein the authority of the United States, to employ such a part of the navy and army of the union, and of the militia of the neighboring states and territory, as he might deem necessary. In the meanwhile all the military, civil and judicial powers exercised by the existing government, were to be vested in such person or persons, and to be exercised in such a manner, as the president of the United States should direct, for the maintenance and protection of the inhabitants of Louisiana, in their liberty, property, and the religion which they professed.

The President of the United States appointed, accordingly, governor Claiborne, of the Mississippi territory, and general Wilkinson, commissioners for receiving possession of the ceded territory from the commissioner of France; and he gave to the former a commission, authorising him provisionally to exercise, within the ceded territory, all the powers with which the Spanish governor-general and intendant were clothed, except that of granting lands.

In the meanwhile, the first consul had, on the sixth of June, appointed Laussat commissioner on the part of France, to receive possession of the province from those of Spain, and deliver it to those of the United States.

On Wednesday, the thirtieth of November, the Spanish colours were displayed from a lofty flag staff, in the centre of the public square. At noon, the Spanish regiment of Louisiana was drawn out, with a company of Mexican dragoons on the right, and the militia of the city on the left. The commissioners of Spain proceeded to the city-hall, where the commissioner of France came soon after. He produced to them an order from the king of Spain for the delivery of the province, and the powers of the first consul to receive it; whereupon Salcedo immediately handed him the keys of New-Orleans, and the Marquis de Casa Calvo declared that such of his majesty's subjects in Louisiana as made it their election to live under the authority of the French republic, were absolved from their oath of fidelity and allegiance to the crown of Spain. A record was made of these proceedings, and the three commissioners walked to the main balcony, when the Spanish flag was saluted by a discharge of artillery on its descent, and that of the French republic greeted in the same manner, on its ascent.

Thus ended the government of Spain in Louisiana, after the lapse of thirty-four years and a few months.

In a proclamation, which Laussat issued immediately afterwards, he informed the inhabitants that the mission which brought him among them, and on which he had built many fond hopes, and entertained many honorable expectations for their welfare and happiness, was changed; and that of which he was now charged, though less gratifying to him, was equally flattering, as it afforded him the consolation that it was more advantageous to them. The flag of

the republic now displayed, and the sound of her cannon, announced the return of French domination; but it was for an instant only, as he was on the eve of delivering possession of the colony to the commissioners of the United States.

He observed that the commencement of a war under the most sanguinary auspices, carrying terror into all parts of the world, had induced the French government to turn its views towards Louisiana: considerations of prudence and humanity, connected with vast and permanent objects, worthy of the genius who balanced the grand destinies of nations, having given a new direction to the benevolent intentions of France towards the colony, it was ceded to the United States, and its inhabitants became the surest pledge of the increasing friendship between the two republics.

He drew their attention to that part of the treaty of cession, by which their incorporation into the union was secured; and congratulated them on becoming part of a nation already numerous and powerful—a people renowned for their industry, patriotism, and enlightened understanding.

He remarked that, however pure and benevolent the intentions of the mother country might be, the people of a distant colony were ever exposed to the cupidity and malversations of those who were sent to govern them. Distance affording the means of concealment, operated as a temptation, and often corrupted the most virtuous—while the nature of the government, under which they were about to pass, rendered rulers dependent on the will of the people, and connected their political existence with public suffrage.

He reminded them that the period was not distant when they would adopt a form of government for themselves, adapted to the maxims of the federal constitution, and suited to their manners, usages, and localities. They would feel and appreciate as a singular attribute of a free constitution, the invaluable advantage of an upright, impartial and incorruptible administration of justice, in which the public and invariable forms of proceeding would combine, with the moral and national character of judges and jurors, to ensure to the citizen security for person and property.

Monopoly, he added, more or less exclusive, is peculiar to, and invariably attendant on, colonial government; but from the United States the people of Louisiana ought to expect, at the same time, protection from such abuses, by the faculty of exporting, free from duty, every article of their produce. The ports of the Mississippi ought to be expected to become vast places of deposit, as this Nile of America, flowing not through parched deserts but across fertile plains, would be navigated by vessels of all nations.

He expressed a hope that, among different flags, the people of Louisiana would ever view that of France with complacency; as, in securing to his countrymen certain advantages, during a limited time, in their intercourse with the ceded country, the first consul had a view to the renewal, strengthening, and perpetuating the ancient bonds between the French of Europe and those of Louisiana—so that Louisianians and Frenchmen would never hereafter meet, in any part of the world, without mutually feeling a tender emotion, and exchanging

the affectionate appellation of brothers—alike expressive of their lasting friendship and dependance on reciprocal kind offices.

On the same day, the colonial prefect issued a number of other proclamations, in regard to the government of the province; the principal of which was for the substitution of a municipality to the *cabildo*. A mayor, two adjoints, and ten members, constituting the new body. The mayoralty was given to Boré: Destrehan and Sauve were associated with him. The members were Lavaudais, Petit Cavelier, Villere, Jones, Fortier, Donaldson, Faurie, Allard, Tureaud, and Watkins. Derbigny was secretary, and Labatut treasurer.

By a special proclamation, the black code, given by Louis the fifteenth to the province, excepting such parts of it as were inconsistent with the constitution and laws of the United States, was declared to be in force.

The citizens of the United States in New-Orleans, about one hundred and twenty in number, formed themselves into a company of infantry, under Daniel Clark, the consul, and offered their services to the colonial prefect for the preservation of order and tranquility; and, at his request, performed regular duty until the commissioners of the United States received possession of the province.

From the disposition manifested a few years before, by the colonial government, to retain possession of the posts above the thirty-first degree, and the protest of the Catholic king, apprehensions were entertained by the government of the United States that difficulties might arise. The president ordered

a part of the militia of the states of Ohio, Kentucky, and Tennessee, to be held in readiness to march at a moment's warning. The military force in the west had been assembled at Fort Adams, and five hundred men of the militia of Tennessee came as far as Natchez, under the orders of colonel Dogherty.

Claiborne had given orders to the volunteer company of horse of the Mississippi territory, to prepare to accompany him, on the tenth of December.

Wilkinson who, since his return from the Atlantic states, had been employed as a commissioner in the treaties, lately entered into with the Choctaws, Chickasaws, and Creeks, was, at the time of his appointment as joint commissioner with Claiborne, engaged in running the line between the lands of the western states and those of the latter Indians. He reached New-Orleans on the day after Laussat had received possession, and did not hear of his appointment 'till then. Crossing the lake, he met his colleague at Fort Adams. On the seventeenth of December, the two commissioners, the troops of the United States, and the Mississippi volunteers, camped within two miles of New-Orleans. On the following day Claiborne and Wilkinson paid a visit to Laussat, who came to their camp on the next, accompanied by the municipality, and a number of militia officers.

On Monday the twentieth, the tri-coloured flag was displayed at the top of the staff in the middle of the public square, at sunrise. At eleven, the militia paraded near it, and precisely at noon, the commissioners of the United States, at the head of their forces, entered the city. The American troops occupied the side of the square opposed to that on which the militia stood. The colonial prefect, attend-

ed by his secretary and a number of his countrymen, left his house under a discharge of cannon, and proceeded to the city hall, where the municipality and a large concourse of the most respectable inhabitants attended.

The commissioners of the United States now came, and the prefect gave them formal possession of the province by the delivery of the keys of the city. He then declared such of the inhabitants as chose to pass under the government of the United States, absolved and released from their allegiance to the French republic.

Claiborne now rose, and offered to the people of Louisiana his congratulations on the event which placed them beyond the reach of chance. He assured them the United States received them as brothers, and would hasten to extend to them a participation in the invaluable rights forming the basis of their unexampled prosperity, and in the meanwhile the people would be protected in the enjoyment of their liberty, property, and religion—their commerce favored, and their agriculture encouraged. He recommended to them to promote political information in the province, and guide the rising generation in the paths of republican economy and virtue.

The tri-coloured made room for the striped banner, under repeated peals of artillery and musketry.

A group of citizens of the United States, who stood on a corner of the square, waved their hats, in token of respect for their country's flag, and a few of them greeted it with their voices. No emotion was manifested by any other part of the crowd.

The colonists did not appear conscious that they were reaching the *Latium sedes ubi fata quietas ostendunt*.

Archives—Gazettes.

CHAPTER XI.

A view of the province at the cession—Boundaries—Civil division—Lands—Population—Indians—Officers—Clergy—Paper securities—Taxes—Duties—Expenditures—Imports—Exports—Shipping.

When the French enjoyed the undisturbed possession of Louisiana, its extent, in their opinion, had scarcely any bounds to the north-west; and its limits were ill defined any where, except on the sea coast. As its sovereign claimed all the neighbouring country, which was totally without inhabitants, or occupied by savage enemies; a demarcation of its limits was impossible, even if it had been desirable. During the Spanish government, a dispute with Great Britain, respecting Nootka Sound and her discoveries in that quarter, was terminated by a recognition of her right to New-Albion, the boundary of which to the south being agreed on, became the northern one of California, which, prolonged eastwardly to a certain point, was to mark the extent of New-Albion in that direction. Where New-Albion ended, Louisiana was said to begin.

On the bayou *des Lauriers* (Laurel creek) six miles S. W. by S. from the town of Natchitoches, on Red river, and fifteen miles from the Adayes, where the road to Nacogdoches crosses the bayou, the French had placed leaden plates, on a tree on each

side of the road, with an inscription expressing that the spot was the boundary between the French and Spanish dominions, without indicating the continuation of the line on either side. Similar plates were also fixed at Yatassees, a village of the Nadoca Indians, fifty leagues N. W. of Natchitoches.

The boundary line, from bayou *des Lauriers* to the sea, was never run; and each party claimed much more than the other was willing to allow. The Spaniards contended that the line was to be run due south, in which case it would strike the sea near the river Carcassou.

The eastern boundary of Louisiana, as far as the thirty-first degree, and the northern on the eastern side of the Mississippi, which separated the territories of Spain and the United States, were fixed by a treaty—the first in the middle of the stream, and the latter at the thirty-first degree of northern latitude. But the province of Louisiana did not extend far beyond the Mississippi below Iberville, and was separated from West-Florida by a line drawn through the middle of that stream, and lakes Maurepas and Pontchartrain to the sea.

Before the peace of 1763, the French recognised no other boundary of Louisiana, to the north, than the southern line of Canada.

To the east, the *ria Perdido* was recognised as affording the beginning of the boundary line, but the direction in which it ran, from the mouth or source of the stream, never engaged the attention of France or Spain.

The province of Louisiana, and that of West-Florida, were laid off into the following divisions: Pensacola, Mobile, the land between the Belize and

New-Orleans, the city, and the land on both sides of lake Pontchartrain, the first and second German coasts, Cabahanosse, La-Fourche, Venezuela, Iberville, Galvez-town, Baton-Rouge, Pointe-Coupee, Atakapas, Opelousas, Avoyelles, Rapides, Natchitoches, Arkansas, and the Illinois, in each of which there was a commandant.

In the Illinois, there was a commandant-general at St. Louis, to whom were subordinate those of New-Madrid, St. Genevieve, New-Bourbon, St. Charles, and St. Andrew. +

Baton-Rouge had been made a government, in favour of Don Carlos de Grandpre, who had been appointed governor of Natchez, on Gayoso being promoted to that of the two provinces. The districts of Manchac, Thompson-Creek, and Feliciana, or Bayou-Sarah, made part of it.

Chapitoula and Terre-aux-Bœufs had once separate commandants, but of late they made part of the district of the city.

All the lands, on both sides of the Mississippi, from fifty miles below the city to Baton-Rouge, had been granted, to the depth of forty arpents or one mile and a half, which is the depth of all original grants. Some had double, and others treble grants, that is to say, a depth of eighty or one hundred and twenty arpents. A few grants extended as far as the sea, or a lake behind them. In the other parts of the country, the people being generally settled on the banks of a river or creek, had a front of from six to forty arpents, and the grant generally expressed a depth of forty arpents.

The ungranted lands on the island of Orleans, and on the opposite bank of the river, were supposed to be unfit for cultivation; but a considerable portion

might be drained. There are, in this part of the country, valuable cypress swamps belonging to the public.

It was supposed that all the land free from inundation, from the Balize to Manchac, as far back as the swamps, were fit for the cultivation of the cane. Above Manchac, it was supposed the cane would be affected by the cold, and its produce uncertain. The culture of the cane was not attended to elsewhere.

The buildings, fortifications, and fixed property of the public, were chiefly in New-Orleans. They consisted of

Two very extensive brick stores, one being one hundred and sixty, the other one hundred and twenty feet in length; each about thirty feet in width, one story high, with a large loft, and covered with shingles.

A government house, out houses and gardens, on a lot of about two hundred and twenty feet in front, with a depth of three hundred and thirty-six.

A military hospital.

A powder magazine, on the opposite bank of the Mississippi.

An ill constructed custom-house of wood, almost in ruins.

Extensive barracks, calculated to accommodate nearly fifteen-hundred men.

Five ill-constructed redoubts, with a covered way, pallisade, and ditch.

A large lot, adjoining the king's stores, used as a park of artillery, in which were a few sheds.

A town house, market-house, assembly room, and prison.

A cathedral and presbytery, to which a square of ground, well built on, was attached.

A charity hospital, with a few houses, yielding to it a revenue of about fifteen hundred dollars a year.

No authentic census of the inhabitants of the province, since that of 1788, is extant; but one made for the department of state, by the consul of the United States at New-Orleans, from the best documents he could procure, in 1803, presents the following result:

| | |
|------------------------------|------------|
| In the city of New-Orleans, | 8,056 |
| From the Balize to the city, | 2,388 |
| At Terre-aux-Bœufs, | 661 |
| Bayou St. John and Gentilly, | 489 |
| Barataria, | 101 |
| Tchoupitoulas, | 7,444 |
| Parish of St. Charles, | 2,421 |
| St. John the Baptist, | 1,950 |
| St. James, | 2,200 |
| Lafourche, | 1,094 |
| Interior, | 2,064 |
| Valenzuela, | 1,057 |
| Iberville, | 1,300 |
| Galvez-town, | 247 |
| Baton-Rouge, | 1,513 |
| Pointe-Coupee, | 2,150 |
| Atakapas, | 1,447 |
| Opelousas, | 2,454 |
| Washita, | 361 |
| Avoyelles, | 432 |
| Rapides, | 753 |
| Natchitoches, | 1,631 |
| Arkansas, | 368 |
| Illinois, St. Louis, &c. | 6,028 |
| Mobile, | 810 |
| Pensacola, | 404—49,473 |

On the left bank of the Mississippi, about seventy-five miles above New-Orleans, were the remains of the Oumas (Red men) not exceeding sixty persons. There were no other Indians settled on this side of the river, in Louisiana or West-Florida; although wandering parties of the Choctaws and Creeks were often rambling over the country.

On the right side of the Mississippi, above the settlement of Pointe-Coupee, were the remains of the Tunica nation, not exceeding fifty or sixty persons.

On the left side of bayou Plaquemine, about twelve miles from the Mississippi, were two villages of the Chilimackas, consisting of about twenty cabins; each village had about sixty persons.

In the lower part of bayou Teche, at the distance of thirty-six miles from the sea, was another village of the Chitimachas, in which were about one hundred persons.

The nation of the Atakapas (Man-eaters) was nearly extinct. They had a village on bayou Vermillion, in which were about one hundred and twenty persons. Wandering families were scattered through the district, and a number of females were domiciliated among the planters.

The Choctaws, Biloxés, and Pascagoulas, had villages on bayou Crocodile and bayou Bouf, in the parish of Rapides.

The Atiamons had a village of about one hundred persons, on the bayou Courtableau in the district of Opelousas.

Several small villages of the Cunhates were dispersed on the banks of the Meritao and Carcasu rivers. There were in them about three hundred and fifty of these Indians.

At the Avoyelles, there was a village of the Choctaws, or Red-men, at the distance of about sixty miles from the Mississippi; and another on the lake of the Avoyelles. These two villages had not more than one hundred persons.

At the Rapids, twenty miles higher up, was a village of the Chactas, which had about one hundred persons; and six miles farther, was a village of the Biloxes of the same size.

At the river *aux Canes* was another village of the same nation, of about fifty persons.

The males of all these villages were frequently employed as boatmen.

About two hundred and fifty miles from the town of Natchitoches, on Red river, was the nation of the Cadodagious, called, by abbreviation, Cados. They could raise five hundred warriors.

Four or five hundred families of the Choctaws were dispersed in the district of Washita, and the whole nation would have moved to the west side of the Mississippi, had they not been prevented by the Spaniards, and the Indians in their alliance there, who had suffered much from the aggressions of the Choctaws.

Between Red river and that of the Arkansas, were a few Indian families, the remains of tribes almost extinct. The nation that gave its name to the last river, was reduced to about two hundred and fifty warriors. They had three large villages on the river; the first was at the distance of forty miles from the Mississippi; the others at the distance of nine and eighteen miles from the stream.

On the river St. Francis, and on the right bank of the Mississippi, near New-Madrid and Cape Girardeau, were wandering families, who had emigrated

from the Delaware, Shawanese, Miamis, Cherokees, and Chickasaws—in all about five hundred families. They were at times troublesome to the boats descending the Mississippi, plundering them, and even committing murders. They had been attracted to this part of the country several years before the cession, when the views of the government of Louisiana were hostile to the United States.

The scarcity of game to the east of the Mississippi, had lately induced a number of Cherokees, Chickasaws, and Choctaws, to frequent the country to the west, where game was still abundant. Some of them had contracted marriages with Arkansa women, and many others were inclined to incorporate themselves in that nation. Their number was unknown, but supposed to be considerable.

On the river *des Moines*, which falls into the Mississippi from the west, were the Ayoas, a nation that formerly dwelt on the Missouri. They had two hundred warriors. Its numbers had lately been much reduced by the small pox.

Higher up, and about nine hundred miles above St. Louis, on the banks of the Mississippi, were the Sacs and Renards, who together had about five hundred warriors. They traded with St. Louis and Michilimackinac, and had always been peaceable and friendly.

The nations on the Missouri were cruel, treacherous, and insplent.

The officers of the province were;

A governor, invested with civil and military authority.

An intendant, charged with the revenue, granting of land, and admiralty matters.

An auditor of war.

An assessor of the intendance.

(The same individual often acted in both these capacities.)

A secretary of the government, and one of the intendant.

A treasurer and a comptroller.

A surveyor-general.

A store-keeper.

A purveyor, who made purchases for the king.

Three notaries, who acted as auctioneers, and whose offices were the repositories for law proceedings and deeds.

An interpreter of the French and English languages, and one for the Indians.

A harbour master.

A marine officer.

A physician to the military hospital—surgeon, and apothecary.

Another to the charity hospital—surgeon, and apothecary.

A collector, treasurer, guarda mayor, notary, two head clerks, and about twenty inferior officers, in the custom-house.

Besides these, there was a cabildo in New-Orleans, composed of two ordinary alcades, twelve regidors, an attorney-general syndic and clerk; four alcades *de barrio*, and a number of syndics, or officers of police.

In the country, there was a commandant in each parish, who had a number of syndics under him.

In a communication to the department of state, in 1803, the consul of the United States at New-Orleans, says: "the auditors of war, and assessors of government and intendancy, have always been cor-

rupt; and to them only may be attributed the mal-administration of justice, as the governor and other judges, who are unacquainted with law, seldom dare to act contrary to the opinions they give. Hence, when the auditor, or assessor, was bribed, suitors had to complain of delays and infamous decisions. All the officers plunder, when the opportunity offers; they are all venal. A bargain can be made with the governor, intendant, judge, or collector, down to the constable; and if ever an officer be displeased at an offer of money, it is not at the offer or offerer, but because imperious circumstances compel him to refuse; and the offerer acquires a degree of favour which encourages him to make a second offer, when a better opportunity is presented."

The duties at the custom-house, in the year preceding the cession, amounted to \$117,515.

The imposts paid in Louisiana, were,

1. A duty of six per cent. on the transfer of shipping. It was exacted on the sum the parties declared, which seldom exceeded one half the real, as no oath was required.

2. A duty on legacies or inheritances of collateral relatives, when exceeding the value of two thousand dollars, and of four per cent. when the legatee or heir was not a relation of the deceased.

3. A tax on all civil employments, the salary of which exceeded three hundred dollars a year, called *media annata*, amounting to one half of the first year's salary, payable, in some cases, in two yearly instalments, and in others in four. The first incumbent of a newly created office was exempt from this tax.

4. Seven dollars, deducted from twenty, paid for pilotage by every vessel entering or leaving the Mississippi; but the treasury provided boats, and paid the wages of pilots and sailors employed at the Balize. The remainder of the twenty dollars was distributed as follows: four dollars to the head pilot, four to the pilot who boarded the vessel, and five to the crew of the boat who brought him.

5. A tax of forty dollars on licenses to sell spirituous liquors.

6. A tax on saleable offices, as those of regidores, clerk of the cabildo, and notaries.

Exclusive of paper money, emissions of which were made in the early part of the Spanish government, there existed, at all times, a debt due by the government, for expences incurred, for supplies furnished to the troops, and the king's stores and salaries of officers and workmen, for which *liberanzas*, or certificates, were regularly issued, of which there was afloat, at the cession, a sum of, from four hundred and fifty to five hundred thousand dollars. They bore no interest, and were commonly to be bought at a discount of from 25 to 50 per cent. At the change of government, the discount was thirty. This depreciation was not the result of a want of confidence, or any apprehension that the certificates would not be paid, but from the value of money and the scarcity of it in the market.

With the view of removing from circulation a part of those *liberanzas* which inundated the market, the intendant, on the fifteenth of July, 1802, announced that he would furnish bills, or *cartas de paga*, on the treasury of the army, or that of the marine, at Havana, and receive one half of the amount in *liberanzas* issued in New-Orleans, and

the other in cash; under the condition that, in regard to the *cartas de paga* on the treasurer of the army, should there not be, at their presentation, funds appropriated to the province of Louisiana, the holder should wait until the arrival of such funds. By this measure a considerable part of the *liberanzas* were withdrawn from circulation.

The church of Louisiana was under the direction of a bishop and two canons, New-Orleans having been erected into a bishoprick in 1792, the first incumbent of which, Don Luis de Penalvert, was promoted in 1801 to the archbishoprick of Guatemala. A successor had been appointed to him, but he never came to the province. The reverend Thomas Haslett, one of the canons, died a short time before the cession, and had not been replaced.

The province, for ecclesiastical purposes, was divided into twenty-one parishes; four of which were without a church, and as many more without a priest, so that the whole clergy did not consist of more than nineteen individuals. There was a chaplain to the convent, one to the troops, and one in each of the hospitals; and the curate of New-Orleans had three assistants.

The bishop had a salary of four thousand dollars, charged on some bishopricks in Mexico and Havana. The canons received a salary of six hundred dollars; and those of the curates and chaplains were from three hundred and sixty to seven hundred and twenty dollars, paid out of the treasury. They besides received fees for masses, marriages, and burials.

The king, besides, paid a salary of one hundred and eighty dollars a year to each of the sacristans of most of the parishes, and a sum of one hundred dol-

lars a year to the cathedral, and twenty-four dollars to each parish, for bread, wine, and wax lights.

The cathedral church owned a square in the city, the rent of the houses of which, and the hire of the pews, with the sum paid by the king, constituted its revenue. The other churches derived one from the hire of pews.

Besides the cathedral, there were two chapels in New-Orleans, in which divine service was regularly performed—that of the convent, and that of the charity-hospital.

There were but eleven nuns in the convent. They attended to the education of young persons of their sex; receiving pay from the wealthy, and educating a few poor girls gratuitously.

The catholic religion was the only one of which the rites were allowed to be publicly performed. None were compelled to attend its service. In public, respect was expected for the ceremonies of that church; but every one was permitted, at home, to worship his maker as he deemed proper.

RECEIPTS AND EXPENDITURES of the *Province, during the year 1802.*

RECEIPTS.

Common Branches.

| | |
|--|-------------|
| Balance of last year, | \$51,932 27 |
| Invalids, | 5,959 13 |
| Sale of effects from the artillery store, | 630 38 |
| Dues rec'd from ships entering the Balize, | 3,240 50 |
| Payments to the treasury of debts due it, | 16,024 75 |
| Sale of effects from the king's store, | 2,005 62 |
| Sums received from the custom-house, | 130,724 88 |
| Rent of tenements belonging to the king, | 336 |
| Rations, deducted from the soldier's pay, | 31,998 75 |

| | |
|--|-----------|
| Hospital fees, likewise deducted, | 5,177 88 |
| Loans to the treasury, | 14,106 |
| Sale of waste lands, | 188 50 |
| Duty of <i>media annata</i> on said lands, | 5 50 |
| Cash received from Vera-Cruz, | 402,258 |
| Returns for supplies to the navy, | 20,000 |
| Cash rec'd for drafts on other treasuries, | 49,512 88 |
| Returns of overcharge to the treasury, | 3 75 |

Private Funds.

| | |
|----------------------------------|-----------|
| Balance of the year before, | 30,880 51 |
| Ditto of accounts, | 217 63 |
| <i>Media annata</i> of officers, | 1226 26 |
| Donation, | 121 |

Funds not the king's property.

| | |
|--|-----------|
| Balance of the year before, | 53,775 62 |
| <i>Monte Pio</i> of surgeons, | 167 |
| Ditto of military officers, | 1619 25 |
| Deposits, | 19,364 50 |
| <i>Monte Pio</i> of officers of civil employments, | 341 13 |
| Ditto of offices, | 1809 76 |

\$843,043 37

EXPENDITURES.*Common Branches.*

| | |
|---|-----------|
| Expences of people condemned to public works, | 6,971 63 |
| Ordinary ditto of the city, | 3,614 50 |
| Ditto of fortifications, | 4,210 25 |
| Returns of loans made to the treasury, | 42,015 63 |
| Buildings, | 6,152 88 |
| Extraordinary expences, | 6,679 50 |
| Maintenance of prisoners of war, | 824 37 |
| Ditto, of poor confined for their rations, | 519 75 |
| Supplies to the navy, | 8,844 88 |
| Ditto, to other treasuries, | 10,316 13 |

| | | |
|--|---------|----|
| Pay to the people employed in the galleys, | 21,922 | 62 |
| Expences for the chapel service, | 526 | 25 |
| Hospital expences, | 27,716 | 2 |
| Indian diitto, | 25,418 | 26 |
| Salaries of officers and people employed in the different offices of the revenue, | 46,307 | |
| Expences of the general store, &c. | 108,620 | 75 |
| Ditto for the galleys, | 4,004 | 38 |
| Return of duties, | 1,542 | 63 |
| Allowances for table to officers, | 5,367 | 88 |
| Rations, | 1,446 | 63 |
| Civil and military salaries, | 9,293 | 26 |
| General expences of revenue department, | 19,523 | |
| Remittances to other treasuries, | 74,000 | |
| Salaries to Indians, | 4,851 | |
| Ditto to invalids, | 540 | 50 |
| Pay of the regular troops, | 186,387 | 14 |
| Allowances to professional corps, | 158 | 26 |
| Pay of the militia, | 12,704 | 13 |
| Office expences, | 1,138 | 50 |
| Department of artillery and workmen, | 5,241 | 37 |
| Half pay to officers retired, | 300 | |
| Employed in the custom-house, | 7,386 | 26 |
| Pensions, | 2,328 | |
| House rent, | 1,068 | |
| Salaries of persons employed in forming settlements, | 1,320 | |
| Ditto of officers and sergeants in half pay, | 2,902 | |
| Ditto of French emigrant officers, | 744 | |
| Premiums to soldiers for services, | 4,811 | 26 |
| Conveyances of dispatches, | 230 | 37 |
| Purchase of naval stores for Vera-Cruz, | 9,453 | 63 |
| Passage money of soldiers and criminals, | 166 | |
| Expences of demarcation of limits, | 7,540 | |
| Returns of sundries from the treasury, | 2,400 | |
| Secret expences, | 2,000 | |

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|---|--------------|
| Ditto, military, | 25 75. |
| Sums charged to the treasurer, not rec'd, | 4,184 01 |
| <i>Private Funds.</i> | |
| Balance of accounts, | 49 75. |
| Expences of justice, | 10 |
| <i>Funds not king's property.</i> | |
| Deposits, | 6,682 76 |
| Monte Pio of officers, | 399 89 |
| Military do. | 4,553 88 |
| Office of do. | 957 39 |
| Balance in the treasury, | 136,674 13 |
| | <hr/> |
| | \$843,048 38 |

The foregoing statement shews that the expences actually paid in cash in all the year 1802, including those of the *ramos agenos*, &c. or funds not royal property, amounted to seven hundred and six thousand, three hundred and seventy-four dollars and fourteen cents, to which if we add the salaries and pay due to many officers of the revenue department, and crew of the squadron of galleys, the extraordinary expences caused by the different expeditions, particularly those which are renewed to the post of Apalaches, for its defence against the attacks of the adventurer Bowles and his party among the Creeks; the amount of bills drawn on the royal chests by the king's storekeeper of Illinois, New-Madrid, Baton-Rouge, Plaquemines, Apalaches, Mobile, and other posts, which not being yet present are unpaid, it will appear that the quota (or *situado*) of this province, reduced to five hundred and thirty-seven thousand, eight hundred and sixty-nine dollars and fifty-six cents, is exceeded, by extraordinary expences, upwards of three hundred thousand dollars, notwithstanding there are 820 men wanting to complete the

regiment on the war footing, and independent of the sums received for duties at the custom-house, and many considerable savings in the establishment, which have taken place since it was formed in 1785, and the causes of said expences, and considerable debt incurred by this treasury, are those mentioned in the foregoing statement.

It is likewise remarked that the royal chests owe 255,518 dollars to the fund of deposits, 48,372 dollars and 31 cents to that of tobacco, 60,000 dollars to the fixed regiment and other corps, 12,000 to the public deposit, 1000 to the pious fund of the cabins of female orphans, and 337,760 dollars and 37 cents in certificates of credit, which, for want of cash, have been issued in payment to the public, without comprehending what may be owing in Pensacola, as this office has no knowledge of its means and resources.

New-Orleans, 23d March, 1803.

(Signed) *Gilberto Leonard.*

[Translation.]

Manuel Almirez.

[P] This fund of deposit is cash deposited for a particular purpose, such as the fortifications of Pensacola, &c. &c. to which it has not been applied.

The *ramos particulares*, or. private funds, are those of individuals under the royal protection, for the payment of pensions, &c. to officers' widows, etc.

The *ramos ajenos* are funds which do not belong to the king, but are destined for the purposes mentioned, being generally discounts from salaries, to pay invalids, etc.

The deposits, constituting a part of this fund, proceed from property in dispute to which the king has a claim, and the amount is deposited until the claim is decided.

The sum due to the fund of tobacco, is a balance which remained of that particular fund, after the purchases for the king's account were completed.

That due to the public deposit is the amount of certain property for which suits are depending between individuals.

That to the regiment of Louisiana is taken from the military chest of that regiment, which has considerable funds of its own in cash:

The amount of certificates is the sum then due to the public, for supplies, salaries, and wages, which have not been paid for want of cash.

Salaries and Expences not comprehended in the provincial regulation.

ANNUAL.

| | |
|--|--------|
| Governor, late of Natchez, now Baton-Rouge, | \$2500 |
| Secretary to ditto, | 840 |
| A colonel of artillery, | 2000 |
| Two captains of said companies, | 1680 |
| One lieutenant do. | 528 |
| Two engineers, | 2000 |
| Allowance for table expences (when employed \$25 per month) cannot be specified, | 0000 |
| Officers of the army additional, who have been put on pay, viz. 2 captains, 1 lieutenant, and 3 sub-lieutenants, | 3096 |
| Officers added to the etat-major de place; 5 captains, 2 lieutenants, and 1 on half pay, | 2476 |
| Augmentation of pay to the public interpreter, | 264 |
| An interventor or comptroller of public stores, | 800 |
| Two officers for revision of accounts, | 1140 |
| One ditto, added to the secretary's office of the intendency, | 360 |
| Auditor of war, | 2000 |

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|--|--------|
| Storekeeper, interpreter, and baker of New-Madrid; interpreter and baker of Illinois, | 1200 |
| An additional clerk to the public stores, | 360 |
| Storekeeper at Baton-Rouge, | 360 |
| Storekeeper, surgeon, interpreter, and baker, at Apalaches, | 1300 |
| Commandants of the posts of St. John the Baptist, of the German parish, Opelotas, New-Bourbon, Cape Bourbon, Cape Girardeau, St. Andrew, and St. Fernando of Illinois, | 600 |
| A French engineer, | 1200 |
| An emigrant captain of the same nation, | 744 |
| Expences of artillery department, | 10,000 |
| Provincial hospitals in various places, | 5000 |
| Indian presents and expences, in addition to the sum mentioned in the provincial regulation, | 30,000 |
| Allowances to couriers yearly, | 1000 |
| Supply of provisions, medicines, &c. to the garrison of Pensacola, | 20,000 |
| Secret expences of government—cannot be precisely fixed, | 0000 |
| Pay of 9 dragoons, at \$25 per month, and rations, on condition of finding their own horses at Pensacola, | 3500 |
| Four corporals of militia employed in various posts of the province, under the orders of the commandants, at \$10 per month, | 480 |
| Pay of the harbour-master, | 2000 |
| Assistant to ditto, | 360 |
| Salary of the two canons, | 1200 |
| An assistant to the curate, | 720 |
| A ranger of the forest at Concordia, opposite Natchez, | 240 |
| One ditto in Ouachita, | 240 |

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|---|-----------|
| Fifteen serjeants on half pay, | 2,025 |
| Pensions to four officers of the royal hacienda, who have retired, | 1550 |
| Seven sacristans appointed since the establishment of the regulation for St. Bernard, Baton-Rouge, New-Feliciana, or Thompson's creek, Rapids, Natchitoches, Arkansas, and New-Madrid, at fifteen dollars per month each, | 1260 |
| House rent in various places, viz. | |
| Commandant of Baton-Rouge, | 360 |
| Curate of Baton-Rouge, | 180 |
| Ditto of Feliciana, | 180 |
| Commandant of Natchitoches, | 300 |
| Ditto of Concord, | 240 |
| Ditto of New-Madrid, | 240 |
| Six seamen at the Balize, at \$6 per month and rations, | 837 |
| Four do. for the boat of the revenue officer employed there, | 480 |
| Two ditto at Mobile, to look after the king's launch, at 10 dollars each, per month, and rations, | |
| Allowance to the commandant of the encampment at Esperanza, opposite the Chickasaw Bluffs, | 72 |
| Store-keeper, surgeon, apothecary, and assistant to the hospital at Plaquemines, | 984 |
| | <hr/> |
| | \$109,271 |

EXTRAORDINARY.

| | |
|--|--------|
| Brigade of <i>presidarios</i> , or people condemned to the public works; their maintenance, cloathing, &c. &c. | 25,000 |
|--|--------|

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|---|-----------------------|
| Pay of the officers and people employed in the galleys and gun-boats, &c. | 60,000 |
| Rations for ditto, and repairs of vessels, | 40,000 |
| Expences of fortifications, and repairs, in the capital, and other posts, | 20,000 |
| Transportation of troops and-presidarios, | 1,000 |
| Maintenance of criminals, | 1,500 |
| Expences of running the line of demarcation with the U. S. from the beginning of 1797, not brought into account until the whole was completed ; exceeding | 150,000 |
| Premiums to soldiers of good character, who have served beyond a certain period, | 4,500 |
| | <hr/> \$302,000 <hr/> |
| Grand total, annual and extraordinary expences, | \$411,271 |

Expences which, for want of cash, were paid in certificates, in the year 1802.

| | |
|---|-----------|
| Salaries of the revenue department, | 5,735 38 |
| General expences of ditto, | 3,665 37 |
| Ditto of the king's store, for supplies, | 28,990 87 |
| Ditto extraordinaries, | 713 50 |
| Ditto for chapel service, | 197 88 |
| Ditto of the military hospital, | 1132 37 |
| Ditto of criminals condemned to public works, | 42 62 |
| Ditto for the city guards, | 684 74 |
| House rent, | 1365 |
| Maintenance of persons confined, | 280 12 |
| Purchase of stores for Vera-Cruz, | 1194 37 |
| Passage of troops discharged, | 28 |
| Pay of soldiers, | 15 |

| | | |
|--|--------|----|
| Ditto of militia, | 3166 | 62 |
| Ditto of half pay officers and serjeants, | 45 | |
| Department of artillery and workmen, | 1088 | 37 |
| Pay of the crew of the galleys, | 44,444 | 56 |
| Repairs of ditto, | 960 | 94 |
| Repairs of fortifications, etc. | 3319 | 31 |
| Allowance for table expences to officers on service, | 1197 | |
| Salaries to the Indian department, | 2021 | 75 |
| General expences of ditto, | 15,983 | 31 |
| Rations to officers on service, | 80 | |

Dollars, 116,352 37

Annual revenues of the city of New-Orleans.

| | | |
|---|--------|--|
| Hire of the stalls in the beef market, | \$2350 | |
| Tax of seven-eighths of a dollar on every carcass of beef exposed to sale, calculated at | 3325 | |
| Hire of the green and fish markets, &c. &c. | 1383 | |
| Tax of one quarter of a dollar on every carcass of veal, mutton, or pork, exposed to sale (supposed). | 1200 | |
| Tax of half a dollar per barrel of flour, baked in the city, for which the bakers do not render a just account, | 2800 | |
| Tax of 40 dollars on taverns, 20 on lodging houses, and 40 on billiard tables, estimated at | 3500 | |
| Tax of 3 dollars on all ships for anchorage, destined for the repairs of the levee of the city: this tax not being paid by the American shipping, | 500 | |
| Tax of 2 dollars per pipe on taffia imported, | 800 | |
| Ground rents on the great square, | 132 | |

| | |
|--|------|
| Rent of the old market-house, now turned into a gaming house and ball-room, | 1800 |
| Ground rents, arising from the sale of the square opposite the hospital, | 693 |
| Moveable shops and stalls, | 360 |
| Tax of a dollar on all vessels entering the Bayou St. John, | 470 |

\$19,278

Mem.—Some of the above items are casual, and depend on the hiring of stalls, and greater or less consumption of the city.

Expences of the city.

| | |
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| A commission of five per cent. to the treasurer for all sums he may receive. | |
| To the six regidors or members of the cabildo or town council, first created, | 350 |
| The notary who serves as clerk to the council, | 200 |
| To the two porters of the council, who are likewise employed by the treasurer in col- lecting the hire of the stalls, &c. &c. at 35 dollars per month, | 420 |
| To the serjeant employed to look after the city carters, who are obliged to bring weekly two loads of earth for repairing the streets which are unpaid: at 12 dollars per month, | 144 |
| To the corporal who looks after the persons condemned to the public works; at 12 dol- lars per month, | 144 |
| To the city cryer, \$12 per month, | 144 |
| To the executioner, 15 do. | 180 |
| For lighting the lamps of the city, about 1800 gallons of oil annually. | |

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|--|------|
| Repairing lamps, ladders, candlewick, | 400 |
| To 14 watchmen, who serve likewise as lamplighters, | 2580 |
| To the guard appointed to attend at the Ba- you bridge, | 62 |
| Repairs of the Bayou bridge (casual) | |
| Repairs of the city levee, or dyke, now in a dangerous state, being partly carried away this spring by the undermining of the ri- ver, and which will be very expensive to repair. | |
| Ditto of the streets, gutters, and city drains, uncertain. | |

There are besides the above, many casual and extraordinary expences, which cannot be particularly enumerated.

Imports at New-Orleans, in 1802.

| | |
|--------------------------------|--------|
| Fans assorted, dozens, | 468 |
| Fan for cleaning rice, | 1 |
| Steel, lbs, | 34,834 |
| Olive oil in bottles, dozen, | 1648 |
| Ditto, common, in flasks, doz. | 420 |
| Ditto in jars, | 50 |
| Oil, essentials, phials, doz. | 6 |
| Do. linseed, gallons, | 1132 |
| Do. fish, gallons, | 3931 |
| Do. turpentine, lbs. | 215 |
| Olives, in flasks, doz. | 236 |
| Brandy of Provence, gal. | 1960 |
| Do. of Bordeaux, do. | 5178 |
| Do. bottled, doz. | 194 |
| Do. of peaches, gallons, | 30 |
| Taffia, hhds. | 67 |
| Whiskey, gallons, | 300 |

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|---|--------|
| Scented waters, bottles, | 485 |
| Hungary& other waters, bottles, | 103 |
| Capers, in flasks, doz. | 264 |
| Copperas, lbs. | 800 |
| Carpets, wool, | 6 |
| Cotton, lbs. | 39,808 |
| Red lead, lbs. | 1120 |
| Almonds, in shell, lbs. | 3917 |
| Do. shelled, lbs. | 400 |
| S arch, lbs. | 130 |
| Tar (brought in vessels originally bound to other ports)barrels, | 325 |
| Bitters, bottles, | 288 |
| Broadcloths, ells, | 600 |
| Anchovies, bottles, | 283 |
| Eels, salted, flasks, | 30 |
| Anniseed, in baskets, | 662 |
| Telescopes, | 26 |
| Indigo, lbs. | 1597 |
| Ploughs, | 4 |
| Herrings and Pilchards, lbs. | 24,400 |
| Press of mahogany, | 1 |
| Harness with brass mountings, | 6 |
| Glass bottles, cases, | 3 |
| Filberts, lbs. | 500 |
| Quicksilver, lbs. | 24,210 |
| Sugar, white, lbs. | 704 |
| Ditto, brown, lbs. | 23,992 |
| Sulphur, lbs. | 4,650 |
| Codfish, dried, quintals, | 348 |
| Baftas, pieces of 10 ells, | 507 |
| Scales, pairs, | 2 |
| Balls for muskets, | 300 |
| Buckets, dozen, | 159 |
| Varnish, common, gallies, | 5889 |
| VOL. H. | 29 |

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|-----------------------------------|---------|
| Ditto, fine, bottles, | 24 |
| Dresses for women, in pieces | 110 |
| Cambricks, in 6 ell pieces, | 132 |
| Trunks, empty, | 40 |
| Baize, ells, | 4250 |
| Beaufort, unbleached, ells, | 1488 |
| Calf skins, doz. | 123 |
| Bath coatings, ells, | 4290 |
| Book-cases, mahogany, | 2 |
| Bidets, | 48 |
| Screens (paper) | 10 |
| Biscuit, quintals, | 153 |
| Blondes, silk, &c. ells, | 901 |
| Purses, silk, doz. | 50 |
| Fire-engines, | 2 |
| Puffs, swansdown, doz. | 21 |
| Boots, pairs, | 98 |
| Boot-legs, do. | 425 |
| Half-boots, pairs, | 269 |
| Half-boot legs, do. | 617 |
| Empty bottles, | 100,140 |
| Bramantes or Flanders, ells, | 14,451 |
| Butter, bbls. | 38 |
| Britanias, pieces, | 15,472 |
| Brin of all breadths, ells, | 30,144 |
| Buffets, mahogany, | 6 |
| Busts of plaister, | 74 |
| Cables, lbs. | 59,487 |
| Cacao, lbs. | 1024 |
| Coffee, lbs. | 189,910 |
| Coffee-pots of iron tinned, | 42 |
| Callimancoes, ells, | 9,049 |
| Copper kettles for sugar boilers, | 4 |
| Chaises, | 2 |
| Chairs, | 15 |

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|--------------------------------|--------|
| Breeches patterns, cotton web, | 110 |
| Ditto and pantaloons made, | 1482 |
| Bedsteads, mahogany, | 1 |
| Sheets, linen, doz. | 46 |
| Do. check and ticking, doz. | 925 |
| Canapees or sofas, | 21 |
| Canvass, ells, | 4350 |
| Ciunamon, lbs. | 200 |
| Cotton bagging, ells, | 38 |
| Hemp, lbs. | 65,822 |
| Quills for writing, M. | 57 |
| Carabines, | 10 |
| Sea-coal, hhds. | 100 |
| Cotton cards, pairs, | 1524 |
| Verdegris, lbs. | 21 |
| Pork, salted, barrels, | 2537 |
| Beef, do. do. | 237 |
| Bacon, lbs. | 68,556 |
| Venison smoked, lbs. | 100 |
| Carts and drays, | 3 |
| Carts with their harness, | 6 |
| Feathers, cartons, | 24 |
| Flowers, artificial, do. | 60 |
| Check jackets, | 10 |
| Caps, leather, doz. | 29 |
| German rolls, ells, | 10,125 |
| Casimirs, do. | 919 |
| Onions, quintals, | 127 |
| Sieves, wire, &c. doz. | 887 |
| Lace, ells, | 4069 |
| Sashes for women, | 82 |
| Wax, manufactured, lbs. | 1550 |
| Beer, hhds. | 92 |
| Do. bottled, doz. | 807 |

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|----------------------------------|---------|
| Shòe blacking balls, lbs. | 200 |
| Waistcoats of various materials, | 875 |
| Jackets of do. doz. | 191 |
| Vermillion, lbs. | 530 |
| Girt web, ells, | 485 |
| Ribbons, silk, pieces, | 9443 |
| Do. velvet, do. | 677 |
| Do. for the hair, 60 ell pieces, | 329 |
| Tape, doz. pieces, | 3176 |
| Binding, worsted, pieces, | 2430 |
| Satin ribbon, pieces, | 204 |
| Cotton tape, groce of pieces, | 3 |
| Prunes, lbs. | 6308 |
| Nails assorted, lbs. | 133,738 |
| Cloves, lbs. | 280 |
| Copper manufactured, lbs. | 400 |
| Copper in sheets, lbs. | 180 |
| Head-dresses for women, | 58 |
| Iron chests, | 3 |
| Glue, lbs. | 205 |
| Counterpanes quilted, | 330 |
| Oznaburg, white, ells, | 6371 |
| Do. brown, ells, | 53,945 |
| Sweatmeats, dried, lbs. | 417 |
| Do. in syrup, lbs. | 87 |
| Coral, boxes, | 26 |
| Neckhandkerchiefs, do. | 23 |
| Fishing lines, | 5444 |
| Leather dressed, dozen skins, | 17 |
| Cyder, gallons, | 1050 |
| Do. bottled, doz. | 374 |
| Saddles, | 208 |
| Windsor chairs, doz. | 179 |
| Riding chairs, | 1 |
| Mahogany arm-chairs, | 8 |

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|--------------------------------|---------|
| Sersuckers, pieces of 12 ells, | 24 |
| Hats, doz. | 1357 |
| Soal leather, lbs. | 500 |
| Cork soles, pieces, | 50 |
| Suspenders, elastic, pairs, | 162 |
| Kentucky tobacco, lbs. | 241,846 |
| Do. twist, lbs. | 948 |
| Rapee snuff, bottles, | 363 |
| Corks, M. | 778 |
| Do. for demijohns, M. | 8 |
| Tea, lbs. | 5567 |
| Ticken, ells, | 24,241 |
| Files, M. | 27 |
| Whiting, casks, | 67 |
| Ink, bottles, | 349 |
| Ink-stands, doz. | 50 |
| Toilette glasses, | 12 |
| Molasses casks, broke up, | 130 |
| Turpentine, lbs. | 1786 |
| Velvets, cotton, | 1182 |
| Glass for doors and windows, | 2980 |
| Watch glasses, | 504 |
| White-wine vinegar, gallons, | 5145 |
| Red do. do. | 105 |
| Composition vinegar, bottles, | 75 |
| Catalonian wine, gallons, | 6972 |
| Andalusian, do. do. | 3171 |
| Do. bottled, doz. | 40 |
| Corsican wine, pipes, | 5 |
| Claret, hhds. | 3575 |
| Do. bottled, doz. | 4062 |
| White wine, Bordeaux, casks, | 144 |
| Do. bottled, doz. | 1371 |
| Provence wine, hhds. | 234 |
| Do. bottled, doz. | 334 |

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| Canary wine, gallons, | 1620 |
| Madeira, do. do. | 150 |
| Do. bottled, doz. | 20 |
| Frontignac, gallons, | 271 |
| Champagne, do. | 35 |
| Alicant, do. | 16 |
| Violins, | 36 |
| Soap, lbs. | 156,752 |
| Soap balls, lbs. | 146 |
| Cordage, lbs. | 323,645 |
| Cages, | 40 |
| Syringes, | 1119 |
| Do. small, | 97 |
| Shoes, men's and women's of every description, pairs, | 9758 |

Exports for 1802.

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|--|-----------|
| Garlic, ropes, | 500 |
| Cotton, clean, lbs. | 2,161,498 |
| Tar, barrels, | 1846 |
| Anchors, | 1 |
| Indigo (produce of former years, long in store, | 336,199 |
| Rice, quintals, | 46 |
| Masts, | 127 |
| White sugar, lbs. | 100 |
| Brown do. | 2,493,274 |
| Pitch, bbls. | 258 |
| Cables, | 1 |
| Cane, reed, M. | 9 |
| Beef, bbls. | 217 |
| Pork, do. | 636 |
| Tables of common wood, | 18 |
| Black lead, lbs. | 118 |
| Corn mills, | 122 |

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|---------------------------------|--------|
| Fire-dogs gilt, pairs, | 40 |
| Mustard, doz. bottles, | 132 |
| Muslins, different kinds, ells, | 15,793 |
| Muslinets, do. | 3236 |
| Petticoats made, | 12 |
| Nanquinets, ells, | 3158 |
| Cards, groces of packs, | 375 |
| Walnut plank, feet, | 1000 |
| Nutmegs, lbs. | 71 |
| Hand organs, | 4 |
| Guayac wood, quintals, | 280 |
| Cloaths, ells, | 14,950 |
| Strouds, 16 ell pieces, | 673 |
| Handkfs. all descriptions, doz. | 9,583 |
| Potatoes, quintals, | 410 |
| Letter-paper, reams, | 516 |
| Common writing do. | 6,144 |
| Paper hangings, pieces, | 6,342 |
| Wrapping paper, | 1,360 |
| Writing desks, mahogany, | 2 |
| Parasols, | 3,462 |
| Raisins, lbs. | 34,617 |
| Chocolate, lbs. | 1,880 |
| Pickled turkeys & geese, bbls. | 3 |
| Satin cloaks, | 12 |
| Pewter, quintals, | 20 |
| Wigs for men and women, | 111 |
| Pears, barrels, | 86 |
| Shot, lbs. | 10,059 |
| Flints, M. | 349 |
| Grindstones, | 1116 |
| Mill stones, pr. | 140 |
| Whetstones, doz. | 8 |
| Dripstones, | 38 |
| Beaver, lbs. | 36 |

| | |
|------------------------------|--------|
| Fox and racoon, lbs. | 22 |
| Otter, lbs. | 272 |
| Bear, skins, | 26 |
| Deerskins in hair, lbs. | 93 |
| Do. shaved, lbs. | 1900 |
| Pepper, lbs. | 2070 |
| Paints, common, lbs. | 10,563 |
| Do. fine, lbs. | 230 |
| Pipes, clay, groce, | 577 |
| Pistols, pairs, | 31 |
| Slates, M. | 165 |
| Do. for schools, doz. | 6 |
| Coined money, marks, | 184 |
| Platillas, white, pieces, | 2670 |
| Do. brown, do. | 244 |
| Lead in sheets, lbs. | 3800 |
| Powder, lbs. | 6420 |
| Hair-powder, lbs. | 10,090 |
| Pomatum, pots & sticks, doz. | 262 |
| Cheese, lbs. | 38,579 |
| Hardware, packages, | 416 |
| Gold watches, | 10 |
| Clocks for staircases, | 1 |
| Do. for chimney-pieces, | 12 |
| Rosin, quintals, | 40 |
| Ploughshares, | 30 |
| Rum, gallons, | 13,798 |
| Russia sheetings, pieces, | 1970 |
| Sheets ready made, pairs, | 3 |
| Salt, barrels, | 4727 |
| Bologna sausages, lbs. | 100 |
| Salmon, lbs. | 2880 |
| Sardines, lbs. | 3180 |
| Serges, woolen, ells, | 736 |
| Frying pans, | 2985 |

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|----------------------------------|---------|
| Tallow, lbs. | 610 |
| Do. manufactured, lbs. | 26,065 |
| Secretaries, mahogany, | 2 |
| Sewing silk, lbs. | 278 |
| Silk of other descriptions, lbs. | 1,000 |
| Garden seeds, lbs. | 100 |
| Boot stockings, doz. | 18 |
| Bacon, lbs. | 8,068 |
| Wax, lbs. | 120 |
| Peas and beans, barrels, | 128 |
| Nails, lbs. | 200 |
| Sugar, boxes, | 2,050 |
| Beef hides, | 2,409 |
| Calf skins, | 144 |
| Staves, M. | 24 |
| Flour, barrels, | 5,575 |
| Hams, lbs. | 2,998 |
| Wool, lbs. | 462 |
| Earthenware, crates, | 2 |
| Hogs' lard, lbs. | 11,889 |
| Molasses, casks, | 312 |
| Logwood, tons, | 433 |
| Beaver skins, lbs. | 179 |
| Otter do. lbs. | 6 |
| Raccoon and fox, lbs. | 138 |
| Deer, in hair, lbs. | 103,897 |
| Do. shaved, lbs. | 121,608 |
| Bearskins, | 982 |
| Buffalo robes, | 32 |
| Pimento, lbs. | 7,281 |
| Lead, in pigs, lbs. | 167,192 |
| Ash oars, | 200 |
| Snuff, bottles, | 54 |
| Tobacco, Kentucky, lbs. | 87,622 |
| Do. in carrots, lbs. | 7,768 |

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|---------------------------|-----|
| Boards, of 10 to 12 feet, | 690 |
| Shingles, M. | 30 |
| Vanilla, per M pods, | 92 |

The annual produce of the province was supposed to consist of

- 3,000 lbs. of indigo, rapidly declining,
- 20,000 bales of cotton of 300 lbs. each,
- 5,000 hhds. of sugar of 1000 lbs. each,
- 5,000 casks of molasses, of 50 gallons each.

There were but few domestic manufactures. The Acadians wrought some cotton into quilts and home-spun, and in the more remote parts of the province, the poorer kind of people spun and wove wool mixed with cotton, into coarse cloth. There was a machine for spinning cotton in the parish of Iberville, and another in Opelousas; but neither was much employed. In New-Orleans, there was a considerable manufacture of cordage, and a few small ones of hair powder, vermiceli and shot. There were near the city, about a dozen of distilleries, in which about four thousand casks of taffia, of fifty gallons each, were made, and a sugar refinery which produced about 200,000 lbs. of loaf sugar.

In the year 1802, two hundred and fifty-six vessels of all kinds entered the Mississippi: eighteen of which were public armed vessels: the others merchantmen, as follows:

| | <i>American.</i> | <i>Spanish.</i> | <i>French.</i> |
|------------|------------------|-----------------|----------------|
| Ships, | 48 | 14 | 0 |
| Brigs, | 63 | 17 | 1 |
| Polacres, | 0 | 4 | 0 |
| Schooners, | 50 | 61 | 0 |
| Sloops, | 9 | 1 | 0 |
| | <hr/> 170 | <hr/> 97 | <hr/> 1 |

Of the American vessels, twenty-three ships, twenty-five brigs, nineteen schooners and five sloops came in ballast.

Five Spanish ships and seven schooners came also in ballast.

The tonnage of the merchantmen, that entered the Mississippi, was twenty-three thousand seven hundred and twenty-five registered tons.

In the same year, there sailed from the Mississippi:

| | |
|-----------------------|-------------|
| 158 American vessels, | 21383 Tons. |
|-----------------------|-------------|

| | | |
|--------------|-----|----------|
| 104 Spanish, | do. | 9753 do. |
|--------------|-----|----------|

| | | |
|----------|-----|---------|
| 3 French | do. | 108 do. |
|----------|-----|---------|

265

31241 Total.

The tonnage of the vessels that went in ballast, not that of public armed ones, is not included. The latter took off masts, yards, spars and naval stores.

There was a considerable coasting trade from Pensacola, Mobile and the rivers and creeks falling into lakes Ponchartrain and Maurepas and the neighboring coast. From it, principally, New-Orleans was supplied with ship timber, lime, charcoal and naval stores; Cattle was also brought from these places. Schooners and sloops of from eight to fifty tons, some of them but half decked, were employed in that trade. Reckoning their repeated trips, five hundred of them entered the bayou St. John in 1802, with thirteen galleys and four boats.

There was also some coasting trade between New-Orleans and the districts of Attakapas and Opelousas by the Balize.

Estimate of the produce shipped from New Orleans, in the year 1802, including that of the settlements on the Mississippi, Ohio, &c.

| | |
|--|-------------|
| Flour, 50,000 barrels, | tons, 5,000 |
| Salt beef and pork, 3,000 barrels, | 500 |
| Tobacco, 2,000 hogsheads, | 1,400 |
| Cotton, 34,000 bales, | 17,000 |
| Sugar, 4,000 hogsheads, | 3,000 |
| Molasses, 800 hogsheads, | 500 |
| Peltries, | 450 |
| Naval stores, | 500 |
| Lumber, chiefly sugar boxes, | 5,000 |
| | <hr/> |
| | 33,350 |
| Potash, Indian corn, meal, lead, cherry and walnut planks, hemp, masts, spars, hams, butter, lard, peas, beans, bis- cuit, ginseng, garlic, cordage, hides, staves, tobacco, in carrots, | 6,650 |
| | <hr/> |
| | 40,000 |

Clark.—Archives

CHAPTER XII.

Claiborne's first proclamation—Superintendent of the revenue.—Court of pleas.—Communication from the Spanish minister.—Spanish convention.—First territorial form of government.—Collection and navigation laws.—Proclamation of pardon to deserters.—Departure of Laussart and Wilkinson.—Dissatisfaction of the inhabitants.—General meeting.—Memorial to congress.—A deputation chosen to carry it.—Bank of Louisiana.—Military associations.—Expedition to the Pacific ocean.—Insurrection at Bayou Sarah.—The new government put in operation.—First session of the legislative council.—Exploring parties to the Washita and Red rivers.—Bishop of Monterey.—Second form of territorial government.—Amendments proposed by the deputation.—Land laws.—Office of discount and deposit of the Bank of the United States.—Second session of the legislative council.—Exploring party to the sources of the Mississippi.—Captain Lewis reaches the Pacific ocean.—The Marquis de Casa Calvo, and the remaining Spanish troops, leave New Orleans.—Pope's bull.—The Kempers seized at Pinckneyville, and liberated near Pointe Coupee.

THE first act of Claiborne, on his entering on the functions of governor general and intendant of the province of Louisiana, was a proclamation of the twentieth December, 1803, by which he declared that the government heretofore exercised over the province, as well under the authority of Spain as under that of the French republic, had ceased, and that of

the United States was established over it—that the inhabitants would be incorporated in the Union, and admitted, as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time maintained and protected in the free enjoyment of their liberty, property and religion, that the laws and municipal regulations in force, at the cessation of the late government, still remained in vigour. He made known the powers, with which he was invested, that the officers charged with the execution of the laws, (except those whose powers were vested in himself, or in the person charged with the collection of the revenue) were continued in the exercise of their respective functions. He exhorted the people to be faithful and true in their allegiance to the United States, and obedient to the laws, under the assurance, that their rights would be under the guardianship of the United States, and their persons and property protected against force or violence, from without and within.

Trist, the collector of the United States, at Fort Adams, had been appointed superintendent of the revenue in the province.

By the substitution of a municipal body to the Cabildo, Laussat had abolished the offices of principal, provisional and ordinary alcades; so that there remained in New-Orleans, no tribunal or officer, vested with judicial powers, but Claiborne and the alcades *de barrio*: to remedy this evil, he established, on the thirtieth of December, a court of pleas, composed of seven justices. Its civil jurisdiction was limited to cases, which did not exceed in value three thousand dollars, with an appeal to the governor, in cases where

it exceeded five hundred. Its criminal jurisdiction extended to all cases, in which the punishment did not exceed a fine of two hundred dollars and imprisonment during sixty days. The justices had individually summary jurisdiction of debts, under the sum of one hundred dollars; but from all their judgments an appeal lay to the court of pleas.

Early in the new year, the Marquis de Casa Irujo, Spanish minister at Washington city, gave assurance to the department of state that his sovereign had given no order whatever for opposing the delivery of Louisiana to the French, and that the report current in the United States, and elsewhere, of the existence of such an order, was wholly without foundation; since there was no connexion whatever between the pretended opposition and the representation made last year, by the Spanish minister to the government of the United States, on the defects which impaired the sale of Louisiana, by France, to these states, in which he had manifested the just motives of the Spanish government, in protesting against that alienation. The Marquis added, that he was commanded to make it known, that his majesty had since thought it proper to renounce his protest, notwithstanding the solid grounds on which it was founded; affording, in this way, a new proof of his benevolence and friendship for the United States.

The president ratified a convention between the United States and Spain on the 11th of August, 1802, which he had laid before the Senate, during the last session, and which had not been definitively acted on, when that body adjourned.

By an act of congress, of the twenty sixth of March, the province of Louisiana was divided. That part of it, south of the Mississippi territory, and an east and

west line, beginning on the river Mississippi, on the thirty-third degree of northern latitude, was erected into a distinct government, denominated the territory of Orleans: and the other was annexed, under the name of the district of Louisiana, to the Indiana territory.

The executive powers of government, in the territory, were vested in a governor, appointed for three years, unless sooner removed, by the president of the United States. He was commander in chief of the militia, and had power to grant pardon for offences against the territory, and reprieve, as to those against the United States, till the pleasure of the president was known: he had the appointment of all civil and military officers, except those for whom other provisions were made by the act.

A secretary of the territory was to be appointed, for four years, unless sooner removed, by the president. His duty was, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and the acts of the legislature, and transmit authentic copies of the whole, every six months, to the president. In case of the vacancy of the office of governor, his duties devolved on the secretary.

The legislative power was vested in the governor, and a legislative council, composed of thirteen freeholders of the territory, having resided one year therein, and holding no other appointment under the territory or the United States. The territorial legislature was restricted from passing laws, repugnant to the constitution of the United States, laying any restraint, burden or disability, on account of religious opinion, profession, or worship, preventing any one from maintaining his own, or burdening him with

that of others: from the primary disposal of the soil, or taxing the lands of the United States. The governor was charged with the publication of the laws and the transmission of copies of them to the president, for the information of congress; on whose disapprobation they were to be void. The governor had power to convene and prorogue the council.

He was to procure and transmit to the president, information of the customs, habits, and dispositions of the people.

The judicial powers were vested in a superior court, and such inferior court and justices of the peace, as the legislature might establish; the judges and justices of the peace holding their offices during four years. The superior court consisted of three judges, one of whom constituted a court. It had jurisdiction of all criminal cases, and exclusively of capital ones, and original and appellate jurisdiction of all civil cases of the value of one hundred dollars and upwards: its sessions were monthly. In capital cases, the trial was to be by jury: in all others, civil or criminal, either party might require it to be so.

Provision was made for the writ of *habeas corpus*, admission to bail in cases not capital and against cruel or unusual punishments.

The judges, district attorney, marshal, and general officers of the militia, were to be appointed by the president, with the advice and consent of the senate.

The compensation of the governor was fixed at five thousand dollars, that of the secretary and judges, at two thousand each, and that of the members of the legislative council at four dollars a day.

The importation of slaves from foreign countries was forbidden, and that of those brought from the

United States was allowed only to citizens, *bona fide* owners, removing to the territory.

All grants for land within the ceded territories, the title whereof was at the date of the treaty of San Ildefonso, in the crown, government or nation of Spain, and every act and proceeding subsequent thereto, towards the obtaining any grant, title or claim to such lands, were declared to be null and void. There was a proviso, excepting the titles of actual settlers, acquired before the twentieth of December, 1803. The obvious intention of this clause was to act on all grants made by Spain, after her retrocession to France, and without deciding on the extent of that retrocession, to put the titles thus acquired, under the control of the American government.

The president of the United States was authorized to appoint registers and recorders of land titles, who were to receive and record titles acquired under the Spanish and French governments, and commissioners who should receive all claims to lands, and hear and determine, in a summary way, all matters respecting such claims. Their proceedings were to be reported to the secretary of the treasury, and laid before congress for their final decision.

By two subsequent acts, congress made provision for extending the collection and navigation laws of the union to the territory.

Every vessel possessed of, or sailing under, a Spanish or French register, and belonging wholly, on the twentieth of December last, to a citizen of the United States, then residing within the ceded territory, or to any person being, on the thirtieth of April preceding, a resident thereof, and continuing to reside therein, and of which the master was such a citizen or resident, was declared capable of being enrolled, registered or

licensed, according to law, and afterwards to be denominated and deemed a vessel of the United States. Such inhabitants were, however, required before they availed themselves of these provisions, to take an oath of allegiance to the United States, and to abjure their former one to the king of Spain, or the French republic.

The inhabitants, thus taking the oath, were entitled to all the benefits and advantages of holding vessels of the United States, as resident citizens.

The ceded territory and all the navigable waters, rivers, creeks, bays, and inlets, within the United States, emptying themselves into the gulf of Mexico, east of the river Mississippi, were annexed to the former Mississippi district.

The city of New Orleans was made a port of entry and delivery, and the town of Bayou St. John a port of delivery.

The district of Natchez was established, of which the city of that name was the sole port of entry and delivery.

Foreign vessels were permitted to unload in the port of New Orleans only, and the same restraint was imposed on vessels of the United States, coming from France, or any of her colonies.

Vessels from the cape of Good Hope, or any place beyond it, were admitted to an entry, in the port of New Orleans, only.

The president of the United States was authorized, whenever he should deem it expedient, to erect the shores, waters and inlets, of the bay of Mobile, and the other rivers, bays and creeks emptying themselves into the gulf of Mexico, east of the river Mobile and west of the river Pascagoula, into a separate district, and designate within it a port of entry and delivery. The

territory was erected into a judicial district of the United States, and a district court, with circuit court powers, was established therein.

It having been represented to the President of the United States, that many persons, formerly engaged in the military service of the United States, and having deserted from it, had become inhabitants of the ceded territory, chiefly in that part of it immediately below the line of demarcation, on the left bank of the Mississippi, where they had establishments of property and families, and were in such habits of industry and good conduct, as gave reasons to believe they had become orderly and useful members of society, he granted to every such deserter, as an inhabitant of the ceded territory, on the twentieth of December, 1803, a free and full pardon for his desertion, and a relinquishment of the term during which he was bound to serve.

In the latter part of that month, Laussat sailed to the Island of Martinico. He concluded his last communication to the minister from New-Orleans, with the following observations: "The Americans have given fifteen millions of dollars for Louisiana; they would have given sixty, rather than not possess it.— They will receive one million of dollars for duties, at the custom house in New-Orleans, during the present year, a sum exceeding the interest of their money, without taking into consideration the value of the very great quantity of vacant lands. As to the twelve years, during which our vessels are to be received on the footing of national ones, they present but an illusive prospect, considering the war, and the impossibility of our being able to enter into competition with their merchantmen. Besides, all will in a short time turn to the advantage of English manufactures, by the great

means, this place will exclusively enjoy, from its situation, to supply the Spanish colonies, as far as the equator. In a few years, the country, as far as *Rio Bravo*, will be in a state of cultivation. New-Orleans will then have a population of from thirty to fifty thousand souls; and the new territory will produce sugar enough for the supply of North America and part of Europe; let us not dissimulate: in a few years the existing prejudices will be worn off, the inhabitants will gradually become Americans, by the introduction of native Americans and Englishmen; a system already begun. Many of the present inhabitants will leave the country in disgust; those who have large fortunes will retire to the mother country; a great proportion will remove into the Spanish settlements; and the remaining few will be lost amidst the new comers. Should no fortunate amelioration of political events intervene, what a magnificent *Nouvelle France* have we lost! The creoles and French established here unite in favor of France, and cannot be persuaded that the convention for the cession of Louisiana is any thing but a political trick; they think, that it will return under the dominion of France."

Wilkinson sailed to New-York, about the same time, leaving the command of the few companies of the regular troops in the district to Major Porter: a company had been detached to Natchitoches, under Captain Turner; there was a smaller command at Point Coupee; the rest were at New-Orleans and Fort Adams.

The people of Louisiana, especially in New-Orleans, were greatly dissatisfied at the new order of things. They complained that the person, whom Congress had sent to preside over them, was an ut-

ter stranger to their laws, manners and language, and had no personal interest in the prosperity of the country—that he was incessantly surrounded by new comers from the United States, to whom he gave a decided preference over the creoles and European French, in the distribution of offices—that in the new court of pleas, most of the judges of which were ignorant of the laws and language of the country, proceedings were carried on in the English language, which Claiborne had lately attempted to introduce in the proceedings of the municipal body, and the suitors were in an equally disadvantageous situation, in the court of the last resort, in which he sat, as sole judge, not attended, as the Spanish governors were, by a legal adviser; that the errors into which he could not help falling, were without redress. They urged that, under the former government, an appeal lay from the governor's decision to the Captain General of the Island of Cuba, from thence to the Royal Audience in that island, and in many cases from them to the council of the Indies at Madrid.

To these, a new cause of complaint was superadded by the late act of Congress, establishing the new form of government. The people murmured at the division of the province, which put off, to an almost indefinite period, their admission into the Union, as an independent state. They saw with displeasure that their rights continued, in the new supreme court, at the discretion of one individual, and that the introduction of slaves, from foreign countries, was absolutely prohibited, and that from the United States allowed only to new comers.

Considerable distress was felt from the great scarcity of a circulating medium. Silver was no longer brought from Vera Cruz by government, and the

Spaniards were not very anxious to redeem a large quantity of *liberanzas*, or certificates, which they had left afloat in the province, and which were greatly depreciated. Claiborne sought a remedy for this evil, in the establishment of the Louisiana Bank, the extension of the capital of which, was allowed to two millions of dollars: but the people being absolutely unacquainted with institutions of this kind, and having suffered a great deal by the depreciation of paper securities, heretofore emitted in the province, were tardy in according their confidence to the bank.

The former militia was completely disorganised.—Most of the individuals, who had lately arrived from the United States, had enrolled themselves in independent companies of volunteers, rangers, riflemen, artillery and cavalry, which Claiborne had formed and patronised. These military associations, in which very few of the natives entered, gave a more marked character to the new government, and more distinctly drew the line between the two populations.

The exploring of the region between the Pacific Ocean and the Mississippi was an object, in which the then President of the United States, had felt an early and lively interest. While he was at the court of France, about twenty years before, he had employed a countryman of his, Ledyard, the famous traveller, to proceed to Kamschatka, take passage in some of the Russian ships, bound to Nootka Sound, and, landing in the middle states of the Union, to seek his way to them by land. Passports had been obtained from the Empress of Russia, and Ledyard took his winter quarters, within twenty miles from Kamschatka. In the spring, he was about to proceed, when he was arrested by an officer, sent after him by the Empress, whose disposition had changed. He

was shut up in a close carriage, and driven with great rapidity and without interruption, till he was left on the frontiers of Poland to follow the route his inclination pointed out. He took that of Egypt, with the view of reaching the sources of the Nile, and died at Cairo, on the 15th of November, 1788.

In the year 1792, Jefferson proposed to the American Philosophical Society, a subscription for attaining the same object, in the opposite direction; funds were raised and the services of Michaux, a botanist, sent by the French government to the United States, were engaged. This man left Philadelphia, with a single companion, to avoid existing suspicion among the Indians: but he had scarcely reached Kentucky, when he was overtaken by an order of the French Minister at Philadelphia, to desist from his undertaking and pursue his botanical inquiries in the western states.

In 1803, the act of Congress for establishing trading houses with the Indians, being about to expire, some modifications of it were recommended by a confidential message of the President, on the 18th of January, with an extension of its views to the tribes on the Missouri. In order to pave the way for that purpose, the message proposed to send an exploring party to trace that stream to its source across the highlands, and seek a water communication to the Pacific Ocean. Congress entered into the views of the President, and an appropriation was accordingly made.

The command of the expedition was given to Meriwether Lewis, a captain of the Army of the United States, who had for some time acted as private secretary to the President and, who being desired to select the officer next in command, made choice of

William Clark, a brother of Colonel Clark, who, we have seen, distinguished himself as a partizan officer, on the banks of the Mississippi and the Wabash, during the revolutionary war. Fourteen soldiers, some young men from Kentucky, two French boatmen, a hunter, and a negro man belonging to Captain Lewis, with the two commanders, composed the party.

Passports were obtained from the Spanish, French and British ministers at Washington City.

The expedition did not reach St. Louis, until December; and Delassus, the commandant general there, having no official direction, refused, notwithstanding the passport of the minister of the catholic king, to permit an armed force to cross his dominions, in that part of America. The party, therefore, wintered on the left side of the Mississippi, and did not set off till the fourteenth of May, possession of upper Louisiana having then been taken by the United States.

In the meantime, the dissatisfaction of the inhabitants of New-Orleans, rose to such a degree, that a determination was taken, by a few individuals, to induce their countrymen to solicit relief from congress at its next session. For this purpose a meeting of the most influential merchants in the city and planters in the neighborhood was called for the first of June, when it was almost unanimously determined to make application to congress for the repeal of so much of their late act, as related to the division of the ceded territory and the restrictions on the importation of slaves, and to require the immediate admission of Louisiana into the Union. Jones, Livingston, Pitot and Petit were appointed a committee, charged with preparing and submitting to the next meeting the draft of a memorial to congress.

They made their report to a much more numerous meeting towards the beginning of July, by whom it was approved, and who made choice, from among themselves, of a committee of twelve, who were charged with circulating copies of the memorial in the parishes, and procuring the signatures of the most notable inhabitants, and to collect voluntary contributions for defraying the expenses of a deputation to be sent to Washington City with the memorial. They were further instructed to lay before a future meeting the names of six individuals, out of whom there were to be chosen for the deputation.

At this last meeting, on the eighteenth, Derbigny, Detrehan and Sauve were chosen, and they set out in the fall.

We have seen, in the preceding volume, that on Great Britain having obtained possession of the left bank of the Mississippi, in the former century, there had been a great migration thither, from her colonies. It had since increased at various periods, and the Spanish government, in Louisiana, had favored it. Few French and Spanish families had come to settle in a neighborhood in which the English language alone was spoken. An annexation to the United States was as much desired by the inhabitants of Thompson's Creek, Bayou Sarah and Baton Rouge, as a continuation of the government of the French republic, below Manchac, or on the right bank of the Mississippi. The people, immediately below the line of demarcation, were disappointed at the omission of the commissioners of the United States to insist on receiving possession of the country, as far as *Rio Perdido*. The late acts of congress, for extending the collection and navigation laws of the United States, having made provision for the establishment of a port of entry and delivery at Mobile, and ports

of delivery in its vicinity, had satisfied them, that the federal government considered the country they inhabited, as part of the territory it had lately acquired. A considerable number of them assembled and determined on an attempt to drive the Spanish garrison from the fort at Baton Rouge. The standard of revolt was raised, and a number of men armed themselves and rode through the country, in various directions, to induce others to join them. Their efforts were not at first absolutely unsuccessful, and about two hundred men were collected; but some misunderstanding having taken place among the principal leaders, the project miscarried, and the latter crossed the line, to seek a refuge in the Mississippi territory.

The government lately provided for the territory of Orleans, went into operation on the first of October.

Claiborne had been appointed governor, and Brown, secretary.

Bellechasse, Boré, Cantrelle, Clark, Debuys, Dow, Jones, Kenner, Mongan, Poydras, Roman, Watkins, and Wikoff, had been selected as members of the legislative council.

Duponceau, Kirby and Prevost, were appointed judges of the superior court.

Hall was the district judge of the United States; Mahlon Dickenson, district attorney, and LeBreton d'Orgeney, Marshal.

Prevost opened the first territorial court, alone, on the ninth of November, Duponceau having declined his appointment, Kirby having died.

Boré, Bellechasse, Jones and Clark, having taken an active part in the meetings of the inhabitants, deemed it inconsistent to give their aid to a form of government, against which they had remonstrated,

and declined accepting their seats. An ineffectual attempt to procure a *quorum* was made in the latter part of November; many of the other members refusing, or being tardy in giving, their attendance: so that the formation of the legislative council must have been protracted to a very distant period, had not Claiborne availed himself of an accidental circumstance. The christian names of the persons selected by the president not being known at the department of state, blank commissions had been transmitted to Claiborne. He filled those for the four gentlemen who had declined, with the names of Dorciere, Flood, Mather and Pollock, and a mere *quorum* was obtained on the fourth of December.

The territory was divided into twelve counties, in each of which an inferior court was established, composed of one judge. Acts were passed, to regulate the practice of the superior and inferior or county courts. Suits were to be instituted by a petition, in the form of a bill in chancery. The definition of crimes and mode of prosecution in criminal cases, according to the common law of England, were adopted. Provision was made for the inspection of flour, pork and beef. Charters of incorporation were given to the city of New Orleans, and to library, navigation and insurance companies. An university was established, which was charged with locating schools in each county; but as no appropriation was made, nor funds provided, for these seminaries, the views of the legislature were not successfully carried into execution, and the plan, in a few years, absolutely failed.

The council adjourned in February, after having appointed a committee to prepare a civil and a criminal code, with the assistance of two professional men, for whose remuneration five thousand dollars were appropriated.

The bank of the United States, having procured an amendment to their charter, to authorize them to establish offices of discount and deposit in the territories, established one in New Orleans.

This winter, William Dunbar and Doctor Hunter, with a party, employed by the United States, explored the country, traversed by the river Wa-hita, as high up as the hot springs, in the vicinity of that stream.

Another party, led by a Mr. Freeman, ascended Red river, to a considerable distance above Natchitoches; but, being met by a detachment of Spanish troops, were compelled to retrogade.

Previous to the acquisition of Louisiana, the ministers of the United States had been instructed to endeavour to obtain the Floridas from Spain. After that acquisition, this object was still pursued, and the friendly aid of the French government towards this attainment was requested. On the suggestion of Talleyrand, that the time was unfavourable, the design was suspended. The government of the United States, however, soon resumed its purpose: the settlement of the boundaries of Louisiana was blended with the purchase of Florida, and the adjustment of heavy claims, made by the United States, for American property condemned in the ports of Spain, during the war which terminated by the treaty of Amiens.

On his way to Madrid, Monroe, who was empowered, in conjunction with Pinckney, the American minister at the court of his catholic majesty, to conduct the negotiation, passed through Paris, and addressed a letter to the minister of external relations, in which he declared the object of his mission, and his views respecting the boundaries of Louisiana. In his answer to this letter, dated the twenty-first of December, 1804, Talleyrand declared in distinct terms, that by the treaty of San Idelfonso, Spain

retroceded to France no part of the territory east of Iberville, which had been held and known as West Florida, and that, in all the negotiations between the two powers, Spain had constantly refused to cede any part of the Floridas, even from the Mississippi to the Mobile. He added, that he was authorised by his imperial majesty to say, that in the beginning of the year 1802, Bourmonville had been charged to open a negotiation, for the acquisition of the Floridas; but this project had not been followed by a treaty. Soon after Monroe's arrival at his place of destination, the negotiation commenced at Aranjuez. Every word in that article of the treaty of San Idefonso, which retroceded Louisiana to France, was scanned by the ministers on both sides, with all the critical acumen, which talents and zeal could bring into their service. Every argument drawn from collateral circumstances, connected with the subject, which could be supposed to elucidate it, was exhausted. No advance towards an arrangement was made, and the negotiation was terminated, leaving each party firm in its original opinion and purpose; each persevered in maintaining the construction with which he had commenced.

Don Dio Premiro, Bishop of Montelrey, in the province of New Leon, whose diocese included, besides that province, those of San Andero, Coaguilla, and Texas, being on a pastoral visit to Nagodoches, came to the town of Nathitoches, where he spent a week. He was treated with great respect by the inhabitants.

The deputation from the territory of Orleans was not successful in their application to congress: that body passed a law, on the second of March, authorizing the president of the United States to establish within that territory a government similar to that of the Mississippi territory, in conformity with the or-

dinance of the old congress in 1787, except so far as relates to the descent and distribution of the estates of persons dying intestate, and the prohibition of slavery. Provision was made for the admission of the inhabitants into the Union, on the same footing as other states, as soon as the population of the territory amounted to sixty thousand souls.

The bill became an act, in the shape in which it was introduced, notwithstanding the strenuous efforts of the deputation for the introduction of three amendments, to which they attached great importance. The first was, that the governor should be chosen by the president of the United States, out of two individuals, selected by the people: the second, that an equity jurisdiction should be given to the superior court: the last, a clause allowing the inhabitants permission to purchase slaves in the United States.

An act was also passed for the confirmation of inchoate titles to land, and for grants to occupants of tracts, cultivated before the 20th of December, 1803, with the permission of the local authorities.

The legislative council held its sessions in New-Orleans, on the twentieth of June. Annual sessions of the superior court were directed to be holden in each county, except Concordia and Washita. Provision was made for the relief of insolvent debtors, and the improvement of the inland navigation. A court of probates was established. The council adjourned early in July.

Towards the middle of the following month, Lieutenant Pike, set out from St. Louis, on an exploring party to the sources of the Mississippi, in a large keel boat. He had with him a serjeant, two corporals and seventeen privates.

Burr, the late Vice President of the United States, this year made an excursion in the western states.

The expedition, under the orders of Capt. Lewis, reached the extreme navigable point on the Missouri, on the seventeenth of August, in latitude 43, 20, at the distance, according to his computation, of two thousand five hundred and seventy-five miles from the Mississippi. On the twenty-sixth, they began their march, and reached Flat river, a stream flowing into the Columbia river, at the distance of three hundred and forty miles from the spot, on which they had landed on the Missouri. The gap of the Rocky Mountains, which they crossed, was at the distance of sixty-eight miles from the Missouri. Their route was, for one hundred and forty miles, over high mountains, nearly half of which were covered with snow, eight or ten feet deep; in the latter part of the way, the route was very fine.

At the distance of four hundred and sixty-two miles from the place, where they embarked, the tide became sensible, and one hundred and seventy-eight miles further, they reached the Ocean. on the seventh of November, in latitude 46, 15, and longitude 124, 57, from Greenock, and at the distance, according to their computation, of three thousand five hundred and fifty-four miles from the Mississippi.

The width of Columbia river was, at its mouth, one hundred and fifty yards; its utmost five hundred, and its least eighteen.

The officers of Spain had protracted their stay, in New-Orleans, for several months, beyond the time limited by the treaty, until the American government, distrustful of such an unreasonable delay, had actually forced their departure; the Marquis de Casa Calvo, did not depart till the summer, when he made an excursion through the provinces of Spain, in the neighborhood of the United States, as far as Chihuahua. After their departure, the Spanish

troops which had remained in New-Orleans, left it for Pensacola.

By a Pope's bull of the first of September, the spiritual administration of the diocess of Louisiana, was committed to bishop Carrol of Baltimore.

The few Spaniards, that remained in the territory and many of the creoles, were unwilling to believe the country was really lost to its former master, and the opinion was cherished among them, that the United States held Louisiana, in trust, during the war. On the east and the west, the Spaniards were still in great relative force. Many parties were hovering on the frontiers, provoking vexatious contests about limits, occasionally violating, with armed force, and even with outrage, the unequivocal and undisturbed territories of the Union.

In the night of the twenty-third of September, a party of armed men from Baton Rouge came to Pinckneyville, in the Mississippi territory, and forcibly seized three brothers of the name of Kemper, who, having taken an active part in the insurrection at Bayou Sarah, in the preceding year, had sought refuge beyond the line of demarcation. The party returned with their prisoners, as far as Bayou Tunica, where, after much ill treatment, they were put on board of a boat for Baton Rouge. As they came to a part of the river where it makes a large bend, they were discovered by a negro man, who crossing a narrow neck, reached Point Coupee, where he gave information to Lieutenant Wilson of the artillery, who without loss of time manned a boat, and soon after met the one, in which the Kempers were, he made himself master of and brought her to Point Coupee, where they were liberated, and their captors lodged in prison.

On the Mobile, the American trade was incessantly harrassed with searches and obstructions, and at times, subjected to heavy exactions.

From Nacogdoches, the American settlements, near the Sabine and on Red River, were occasionally menaced and disturbed. From the Sabine to New-Orleans, the country was absolutely open to an invader. There was but one place of strength, besides New-Orleans; Baton Rouge in a settlement, still occupied by the Spaniards, although within the territory claimed by the United States.

By a treaty concluded at Tellico, on the seventh of October, the Cherokee Indians agreed that, as the mail of the United States was ordered to be carried from Knoxville to New-Orleans through the Cherokee, Choctaw and Creek countries, the citizens of the United States should have, as far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee.

By a convention between the United States and the Creeks, at Washington City, on the fourteenth of November, these Indians agreed that the United States should forever thereafter have a right to a horse path through the Creek country, from the Ocmulgee to the Mobile river, and their citizens should, at all times, have a right to pass peaceably on said path. The Indians promised to have boats kept at the several creeks for the transportation of travellers, their horses and baggage, and houses of entertainment, at suitable places along said path, for the entertainment of travellers.

Archives.—Gazettes.

CHAPTER XIII.

New form of government.—Officers.—Meeting of the house of representatives.—Bishop of Baltimore.—Vicar general.—Return of the Marquis of Casa Calvo.—Encroachment of the Spaniards in the west.—Major Porter.—Don Simon de Cordero.—Don Antonio de Herrera.—First territorial legislature, under the new government.—Secretary at war's orders to Wilkinson.—Pike's expedition up the Missouri.—Claiborne goes to Natchitoches.—His communication to Herrera.—Cushing sent to Natchitoches.—Wilkinson arrives there.—His communication to Cordero.—First rumours of Burr's movements.—Wilkinson marches towards the Sabine.—The president sends a confidential agent to the western states.—Proclamation.—Wilkinson enters into arrangements with Cordero and Herrera, and sends the troops to New-Orleans.—He proceeds to Natchez.—Burling sent to Mexico.—Wilkinson goes down to New Orleans.—He fortifies that city.—Sends an officer to Jamaica.—Meeting of the merchants.—Arrest of Bollman, Swartout and Ogden.—Writs of habeas corpus.—The prisoners shipped to the United States.—Judge Workman.—Second session of the legislature.—Arrest of Adair, Workman, Kerr, and Bradford.—Burr arrested at Natchez, is bound over, escapes and is retaken.—Burling returns from Mexico and Swann from Jamaica.

THE new form of government, provided by the late act of congress for the territory of Orleans, differ-

ed principally from the former, in the election of the house of representatives immediately, and a legislative council mediately, by the people.

The governor, secretary and judges of the superior courts were to be appointed by the president of the United States, with the advice and consent of the senate; the first of these officers for three, and the second for four years, unless sooner removed by the president of the United States. The judges held their offices during good behaviour.

The legislative council was composed of five, and the house of representatives of twenty-five members.

The members of the legislative council were chosen by the president, with the advice and consent of the senate, out of ten individuals, selected by the house of representatives of the territory. Their period of service was five years, unless sooner removed by the president of the United States. The only qualification required from them was a freehold estate, in five hundred acres of land.

The members of the house of representatives were elected for two years. Citizenship of one of the United States for three years, and a residence in the territory, or three years residence in the territory, were required from the elected, and, in either case, a fee simple estate in two hundred acres of land. The qualifications of the electors, were citizenship of the United States, and a residence in the territory, or two years residence in the territory.

The salaries of the officers above mentioned were the same as under the preceding form of government.

All other officers were to be appointed by the governor.

The act of congress had a bill of rights.

The people of Louisiana complained, that in this

form, as in the preceding, their lives and property were, in some degree, at the disposal of a single individual, from whose decision there was no appeal ; the law declaring any one of the judges of the superior court a *quorum*.

Claiborne had been appointed governor, Graham secretary, and Prevost, Sprigg and Mathews judges of the superior court.

The house of representatives met on the fourth of November, for the purpose of nominating to the president of the United States ten individuals, out of whom he was to choose a legislative council. Their choice fell on Bellechasse, Bouligny, the chevalier d'Ennemours, Derbigny, Destrehan, Gurley, Jones, Macarty, Sauv , and Villere.

The bishop of Baltimore made choice, on the twenty-ninth of December, of Olivier, the chaplain of the nunnery in New-Orleans, for his vicar general in the territory.

The marquis de Casa Calvo reached Natchitoches, on his return from the neighboring Spanish provinces, on the first day of the new year. He was visited by major Porter, who commanded the small garrison at that post, and by his officers; but he was not permitted to enter the fort. He tarried but three days, and proceeded to Pensacola, by the way of Baton Rouge.

A short time afterwards, a small detachment from the garrison of Nacogdoches came to establish a new post, at the Adayes, on the road from Nacogdoches to Natchitoches, within fourteen miles from the latter place: and accounts were received, that don Antonio Cordero, governor of the province of Texas, had marched from San Antonio, with a body of six hundred regulars, some militia, a few Indians and a con-

siderable number of horses, mules and cattle. He had stopped on the banks of the river Trinity, where he had been joined by don Simon Herrera, the commandant of Montelrey, in the province of New Leon, who had been sent with a reinforcement by don Nemesio Salcedo, the captain general of the internal provinces.

Porter received, on the twenty-fourth of January, orders from the department of war, to require from the commanding officer at Nacogdoches, assurance that there should be no further inroads, nor acts of violence, committed by the forces of Spain, on the eastern side of the river Sabine, and in case the assurance was refused or disregarded, to be on the alert for the protection of the citizens of the United States, pursuing their lawful concerns, westward of the Mississippi. He was instructed to send patrols through the country, eastward of the Sabine, which was considered as part of the territory of the United States, especially, when armed men, not under the authority of the United States, attempted to cross that stream: to repel invasion, by pursuing and arresting invaders; avoiding, however, the spilling of blood, when this could be done without it. He was directed to deliver any Spanish subject, thus arrested, to the commanding officer, at Nacogdoches, if he would give assurances to have them punished, but, otherwise, to deal with them as Claiborne would advise. It was recommended to him, in patrolling the country around the settlement of Bayou Pierre, which was within the territory of the United States, but of which no possession had yet been taken, not to disturb the inhabitants, unless an aggression made it necessary to take possession of the settlement and send the garrison to Nacogdoches.

In case the commandant of the latter post gave the assurance required from him, any peaceable intercourse between it and the settlement on Bayou Pierre was not to be objected to; but if the assurance was refused, all intercourse between the two places was to be prohibited.

Porter, accordingly, sent lieutenant Piatt, with a corresponding message to Nacogdoches. Don Sebastian Rodriguez, to whom it was delivered, answered that no encroachment had been intended, nor any violence offered, by any part of his garrison, except so far as was necessary to prevent a contraband trade and the exportation of horses. He added, duty forbade him to give the assurance required, and he had ordered his parties to patrol as far as *arrojo hondo*.

On Piatt's return, Porter sent captain Turner, with sixty men, to remove the Spanish force from the post they had lately occupied at the Adayes, near Natchitoches. This was effected without difficulty, on the fifth of February, and Turner went to patrol the country, as far as the Sabine.

In the meanwhile, don Sebastian had sent an officer of his garrison to the settlement of Bayou Pierre, to remind the inhabitants of the allegiance they owed to the catholic king, and the obligation they were under to join his standard, whenever called upon by any of his officers. He gave them assurances, that Red river would soon be the boundary between the territory of Spain and that of the United States.

Cordero had sent a large reinforcement to Nacogdoches: Porter had not two hundred men, under his orders, on Red river. In a letter to the secretary of war, of the fifteenth of February, he stated the great disaffection of the people around him: nineteen of

whom, out of twenty, preferred the government of Spain to that of the United States. He attributed this disposition to the intrigues of the marquis de Casa Calvo, who had assured the inhabitants, on his way, that the period was not very distant, when his sovereign would resume possession of the country.

The first territorial legislature, under the new form of government, met in New-Orleans, on the twenty-fifth of January: the members of the legislative council, appointed by the president of the United States, were Bellechasse, Destrehan, Macarty, Sauv   and Jones.

The session lasted for upwards of five months. Among the most important acts is a black code, or statute regulating the police of slaves. Provision was made for establishing schools in the several counties, for regulating the rights and duties of masters, apprentices and indented servants, and for the improvement of the navigation of the canal of Lafourche and the bayou Plaquemines.

The attempt of the former legislative council to procure a civil and criminal code for the territory, having failed, two professional gentlemen were employed to prepare a civil code, and directed to take the former laws of the country as the basis of their work.

The assemblage of several bodies of Spanish troops on the eastern boundary of the province of Texas, rendering the reinforcement of the military posts, in the lower part of the Mississippi necessary, orders had been transmitted from the department of war, as early as the fourth of March, to Wilkinson, who was then at St. Louis, to make the necessary arrangements for the removal of all the troops in his neighbourhood, (except one company) to fort Adams: and four days after he was directed to order colonel Cushing, with

three companies, and four field pieces, to proceed to Natchitoches, without stopping at fort Adams, and to send the rest of the forces down the river, under the orders of lieutenant colonel Kingsbury. On the sixth of May, Wilkinson received orders to repair to the territory of Orleans, or its vicinity, take the command of the regular forces in that quarter, and of such volunteer bodies and militia as might turn out for the defence of the country, and, by all means in his power, to repel any invasion of the territory of the United States.

The secretary of war recommended, that the earliest opportunities should be taken to give to the governors of the provinces of Texas and West Florida, a clear view of the principles on which the government of the United States was acting, viz: that, while negotiations were pending, the military posts of neither party should be advanced: that whatever opinion might be entertained with regard to the boundaries of Louisiana, no military measure should be pursued on either side; and it might be depended upon, that none would be resorted to, on the part of the United States, unless the officers of the Catholic king should attempt a change in the existing order of things: that the actual quiet possession by the United States of the country, east of the Sabine, should be insisted upon, (with the trifling exception of the settlement of Bayou Pierre): and any attempt, on the part of Spain to occupy any new post east of the Sabine, would be viewed by the United States, as an invasion of their territorial rights, and resisted as such.

Measures were, at the same time, taken by the department of war for erecting fortifications, at New-Orleans and near it. Nine gunboats were sent to the

Mississippi, and a considerable number of recruits were sent down the Ohio, and by sea, to fill the companies in that quarter.

Cushing reached Natchitoches on the first of June.

The attention of government was not, however, engrossed by these military preparations. Lieutenant Pike was sent, towards the middle of July, up the Missouri, with lieutenant Wilkinson, a son of the general, a surgeon, a sergeant, two corporals, sixteen privates and an interpreter. The object of this expedition was to escort several chiefs of the Osage and Pawnee nations, who, with a number of women and children, were returning from a visit to the president of the United States, with their presents and baggage. These Indians, fifty-one in number, had been redeemed from captivity among the Potomatomies, and were to be restored to their friends at the Osage towns.

Although the escorting of these Indians was the first object to which Pike's attention was directed, it was not the principal one: it was next to be turned to the accomplishment of a permanent peace between the Osages and Kanzas: a third object was his effecting an interview with the Yanetons, Tetans and Comanches, in order to establish a good understanding among these tribes.

It being an object of much interest with the president of the United States to ascertain the direction, extension and navigation of the Arkansas and Red rivers, Pike was instructed to go to the head of these streams, and to detach a party, with a few Indians, to descend the first stream, to take the courses and distances, observe the soil, tribes, &c. and note the creeks or bayous falling into the river; this party was,

on reaching the Mississippi, to make the best of its way to fort Adams and wait for further orders.

Pike was next to proceed with the rest of the party to the head of Red river, making particular remarks on the geographical structure, natural history and population of the country: he was furnished with instruments to ascertain the variation of the magnetic needle and the latitude of every remarkable point: to observe the eclipses of Jupiter's satellites, and the periods of immersions and emersions, in order that, afterwards, by a resort to particular tables, the longitude of the places of observation might be ascertained. He was directed to descend Red river to Natchitoches.

On the rise of the legislature, Claiborne had ordered parts of the militia of the counties of Opelousas and Rapides, to Natchitoches. On his arrival at the latter place, towards the end of August, he found, that the Spanish force, on the eastern boundary of the province of Texas, was divided into two main bodies: Cordero was at Nacogdoches, with the one, the other was encamped on the western bank of the Sabine, under Herrera. He was informed that, an armed Spanish party had lately gone to the Caddo village, within the territory of the United States, in which that flag was displayed, and had cut down its staff, menacing the peace and tranquility of these Indians, in case they persisted in acknowledging any dependence on the government of the United States, or in keeping up an intercourse with their citizens: that three of the latter, Shaw, Irwin and Brewster, had been apprehended by a Spanish patrol, within twelve miles of Natchitoches, and forcibly carried to Nacogdoches; and that several slaves, the property of citizens of the United States, had escaped from the service of their

masters to the latter place, where they had found an asylum.

On the twenty-sixth, he despatched Hopkins, the adjutant general of the territory of Orleans, to Herrera, to make representations to that officer, of the insults offered to the government of the United States last winter, by a Spanish patrol, who had compelled the exploring party under Freeman, who was ascending Red River, to retrograde, and, also, in relation to the recent outrages. Herrera informed Claiborne that he had transmitted his communication to Salcedo, the captain general—that the exploring party had, ascended Red River far above the limits of the United States, and the officer who commanded the patrol, that met him, had discharged his duty in insisting on the party's descending the river, till they reached the boundary line—that the Caddo village was within the acknowledged territory of Spain, and these Indians had been notified that, if they chose to live under the protection of the United States, they should remove to some part of the territory of their new friends, and, if they chose to continue to dwell in their village, they should take down the flag of the United States—that having chosen the last alternative, and being more tardy in lowering the flag, than appeared reasonable, it had been done by the Spaniards—that Shaw and his companions were found twice, on different days, observing the position and movements of the troops under Herrera, and did not agree in the motives assigned by them for encroaching on the king's dominions, and finally avowed their intention of settling in the province; whereupon they had been sent under an escort to San Antonio—finally, that the detention of a number of slaves from Louisiana, at Na-

cogdoches, was a matter now under the consideration of the captain general.

Wilkinson reached Natchez on the sixth of September. At this place, he made arrangements with the executive of the Mississippi territory, for holding its militia in readiness. He sent an order to New-Orleans for stationing four galleys on Lake Ponchartrain and the rigolets, and for reinforcing the detachment of Point Coupee to seventy-five men; a number which he deemed sufficient, with some militia, to take Grandpre and his garrison, at Baton Rouge, on this first order; and he instructed the commanding officer on the Tombigbee to prepare with his garrison, and two hundred militia, to invest Mobile, while another body of militia should be sent to make a feint on Pensacola, in order to prevent succour being sent from thence to Mobile.

Claiborne had been desirous of making an immediate attack on Herrera's camp; but the force he could command was insufficient, and the officer who commanded the garrison, had orders to avoid a resort to offensive measures till the arrival of the general. The two chiefs met at Alexandria; Claiborne returned to New-Orleans, in order to take measures for holding the militia of the territory in readiness, and Wilkinson proceeded to Natchitoches.

On the twenty-fourth, he despatched Cushing to Nacogdoches with a communication to Cordero, couched in the style recommended by the secretary of war, and demanded the immediate removal of the Spanish troops to the west of the Sabine. Cordero replied he would transmit the communication to the captain general, without whose orders, he could not act. On this Wilkinson informed him, the troops of the United States would march to the Sabine—that

the sole object of this movement was to settle the boundary, claimed by his government, and that it was without any hostile intention against the troops of Spain, or her territory; this march being rendered essential by some of Herrera's late movements, and the position newly taken by some of the troops, immediately under Cordero's orders, close on the western bank of the Sabine, within sixty miles from Natchitoches.

In the meanwhile, the president of the United States had received information, that designs were in agitation in the western states, unlawful and unfriendly to the peace of the union; and that the prime mover of them was Burr, the late vice president of the United States. The grounds of that information being inconclusive, the object uncertain, and the fidelity of the western states known to be firm, no immediate step was taken. A rumor was gaining ground, that a numerous and powerful association, extending from New-York, through the western states, to the gulf of Mexico had been formed—that eight or ten thousand men were to rendezvous in New-Orleans, at no distant period, and from thence, with the co-operation of a naval force, follow Burr to Vera Cruz—that agents from Mexico had come to Philadelphia, during the summer, and had given assurances that the landing of the expedition would be followed by such an immediate and general insurrection, as would ensure the subversion of the existing government, and silence all opposition within a very few weeks—that a part of the association would descend the Alleghany river, and the first general rendezvous would be at the rapids of the Ohio towards the twentieth of October, and from thence the aggregate force was to proceed, in light boats, with the utmost velocity, to New-Orleans, un-

der an expectation of being joined on the route by men raised in the state of Tennessee and other quarters.

It was said that the maritime co-operation relied on, was from a British squadron in the West Indies; that active and influential characters had been engaged in making preparations for six or eight months past, which were in such a state of readiness, that it was expected the van would reach New-Orleans in December, when it was expected the necessary organization and equipment would be completed with such promptitude, that the expedition would leave the Mississippi towards the first of February; it was also added, that the revolt of the slaves, along the river, was depended upon as an auxiliary measure, and that the seizure of the money in the vaults of the banks in New-Orleans, was relied on to supply the funds necessary to carry on the enterprise.

Giving full credit to these reports, Wilkinson determined on making the best arrangement he could with the Spaniards, in order that he might descend to New-Orleans, with the greatest part of his force. Accordingly on the twenty-ninth of October, being on his march to the Sabine, he sent Burling, one of his aids-de-camp, to Cordero, with a written message, proposing that, without yielding a pretension, ceding a right, or interfering with discussions which belonged to their superiors, the state of things, at the delivery and possession of the province to the United States, should be restored by the withdrawal of the troops of both governments, from the advanced posts they occupied, to those of Nacogdoches and Natchitoches, respectively. He proposed that Cordero's accession to this proposal should be conclusive, and promised to begin his retrograde march on the day the Spanish

camp, on the right bank of the Sabine, should be broken up, under a stipulation that the troops of the United States should not cross *Arrojo Hondo*, as long as those of Spain should not the Sabine, or until further orders were given by their respective governments.

Cordero assured Burling that Wilkinson's proposition entirely met his views; but he added, his hands were tied by the captain generals' orders, whom he was bound to consult. Burling had been furnished with a copy of the message to Cordero, which he had on his way left with Herrera, who on his return, informed him, that the officer next in command would, on the next day, visit Wilkinson, and every thing should be arranged. It appears that Herrera was less punctilious than Cordero; for on the following day, the officer brought to Wilkinson, Herrera's assent to his proposition.

On the fifth of November, Wilkinson, having received information, that the Spanish camp, on the Sabine, would be broken up on that day, began his march towards Natchitoches. Immediately on his arrival there, he directed Porter to proceed to New-Orleans, with the utmost expedition, and to repair, mount and equip for service every piece of ordnance in the city, to employ all hands in preparing shells, grape, canister and musket cartridges with buck shot, to have every field piece ready, with hose, harness and drag ropes, and to mount six or eight battering cannons on fort St. Charles and fort St. Louis, below and above the city, and along its front, flanks and rear.

In the meanwhile, the president of the United States began to perceive the object of the conspiracy; but his information was so blended and involved in mystery, that nothing certain could be sought out for

pursuit. In this state of uncertainty he thought it best to order to the field of action, a person in whose integrity, reliance and confidence could be placed, with instructions to investigate the plot going on, to enter into conferences (for which he was furnished with sufficient credentials) with the civil and military officers of the western states, and with their aid to call on the spot, whatever should become necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and call out the force of the country to suppress any enterprise in which they were found to be engaged. His choice fell on Graham, the secretary of the territory of Orleans.

It being known, at this time, that many boats were in preparation, stores and provisions collected, and an unusual number of suspicious characters in motion on the Ohio and its tributary streams, orders were given to the governors of the Mississippi and Orleans territories, and to the commander of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise that might be attempted; and on the eighth of November, instructions had been sent to Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and fall back with his principal force on the hither bank of the Mississippi; a measure, which we have seen, he had already anticipated.

The report was, that Burr had in contemplation three distinct objects, which might be carried on jointly or separately, and either first, as circumstances might require. One of these was the separation from the union of the portion of country west of the Alleghany mountains—another an attack on Mexico—the last was provided as merely ostensible: it was the settle-

ment of a vast tract of land, heretofore granted to the Baron de Bastrop, on the banks of the Washita river. This was to serve as the pretext of all the preparations of Burr, an allurements for such as really wished for a settlement on that stream, and a cover under which to retreat on the event of a final discomfiture.

Such was the state of information at Washington City, in the latter part of November, when specific measures were openly adopted by government. On the twenty-seventh, the president of the United States issued a proclamation, announcing the existence of a conspiracy, and warning such citizens as might have been led, without due knowledge or consideration, to participate therein, to withdraw and desist therefrom, and calling on all officers, civil and military, to be vigilant and active in suppressing it.

Orders were sent to every important point on the Ohio and Mississippi, from Pittsburgh to the Balize, for the employment of such part of the civil authority, as might enable them to seize all boats and stores, provided for the enterprise and arrest all persons concerned. A short time before these orders were received in the state of Ohio, Graham, the president's confidential agent, had been diligently employed in tracing the conspiracy and had acquired sufficient information to apply for the immediate exertion of the authority of that state to crush the combination. Governor Tiffin and the legislature, with zeal and energy, effected the seizure of all the boats, provisions and other things provided, within their reach.

Thus, was the first blow given, materially disabling the enterprise in the onset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence to convict him, had procured a momentary impression in his favor; which

gave him the opportunity of hastening his equipments. The arrival of the president's proclamation and orders and the application of Graham, at last awakened the authorities of the state to the truth, and produced the energy and promptitude of which the neighboring state had given the example. Under an order of the legislature, the militia was instantly ordered to different important points, and measures were taken for effecting whatever could be done; but a small number of men, in a few boats, had, in the meanwhile, passed the falls of the Ohio, to rendezvous at the mouth of Cumberland river, with others coming down that stream.

Porter had left Natchitoches for New-Orleans, with all the artificers and a company of one hundred men, and had been followed by Cushing with the rest of the forces, leaving only one company behind. Wilkinson, on his way to New-Orleans, stopped at Natchez and made application to the executive of the Mississippi territory, for a detachment of five hundred men of its militia, to proceed to New-Orleans, but declining to communicate his motives in making this requisition, was refused. From this place, on the fifteenth of November, he despatched Burling, one of his aids, to Mexico, for the ostensible purpose of apprising the Viceroy of the danger, with which his sovereign's dominions were menaced; but, as the general mentions in his memoirs, "on grounds of public duty and professional enterprise to attempt to penetrate the veil which concealed the topographical route to the city of Mexico, and the military defences which intervened, feeling that the equivocal relation of the two countries justified the *ruse*."

Wilkinson reached New-Orleans, towards the end of November, and in his first communication to the

president of the United States, after his arrival, mentioned, that among his countrymen, he had discovered characters, who had hitherto been distinguished for integrity and patriotism, men of talents, honored by the confidence of government and distinguished by marks of its regard, who, if not connected with the flagitious plan by active co-operation, approved it, and withheld timely and important information.

Accounts of the requisition made for a detachment of the neighboring territory and of the refusal of its executive, were soon received in New-Orleans, and excited much surprise. The inhabitants wondered that, after the amicable adjustment of all difficulties with the Spaniards, the territory of Orleans, with a reasonable force of regular troops and an efficient militia well armed and disciplined, should require any aid from the Mississippi territory. As yet, Burr's plans were but partially spoken of and disbelieved; the people had heard of an apprehended insurrection in some of the western states; but the merchants, who had frequent accounts from above, understood that things were perfectly tranquil there. Surprise was further excited at the appearance of an uncommon number of men, at work on the old fortifications, and on the hearing of a contract for a sufficient number of pickets to enclose the whole city. This and other contracts, entered into since the arrival of Wilkinson, instead of being offered, as was usual, to any who would engage in them on the lowest terms, were entered into secretly and as if intended to be kept from the public eye.

On the seventh of December, Wilkinson despatched lieutenant Swann of the army, to Jamaica, with a letter to the officer commanding the naval force on that station, informing him of Burr's plans, and that

a report was afloat that the aid of a British naval armament had been either promised or applied for, and warning him and all British military and naval officers, that their interference or any co-operation on their part, would be considered as highly injurious to the United States, and affecting the present amicable relations between the two nations. The communication concluded with the expression of a hope, that the British government would refrain from any interference or co-operation, and prevent any individual from affording aid; and the assurance that the writer would, with all the force under his command, resist any effort of a foreign power to favor Burr's projects.

On the ninth of December, a meeting of the merchants and some of the principal inhabitants was called at the government house, where Claiborne and Wilkinson attended to apprize them of the danger to which the country was exposed. The first said that the object of the preparations of the latter was to defend New-Orleans, against a numerous and powerful party, headed by one of the first characters in the union. Wilkinson spoke of the co-operation of the British navy with Burr and the ultimate destination of the expedition for Mexico, after they had plundered the banks, seized on the shipping, and helped themselves with every thing, which an army of seven thousand men might want.

It was then proposed to the meeting, that the shipping in the river should be detained and the crews discharged, that they might be employed on board of the vessels of the United States. This was immediately agreed to, and a subscription was opened for

extra bounty and clothing for such sailors, as would enter the public service, and within a short space of time, a considerable sum was raised.

In a letter to the president of the United States, Wilkinson stated he had offered to Hall, the district judge of the United States and Mathews, one of the territorial judges, on the twelfth and thirteenth, all the testimony he possessed against Burr and Bollman, to the end that the former might be proclaimed for apprehension throughout the United States, and the latter committed to close confinement to secure his testimony, and prevent his correspondence and machinations in aid of Burr's plans. The first proposition was rejected as "it would be too late, as Burr might be on his way," the second was rejected as Bollman's offence was bailable and a writ of habeas corpus would set him at large; that after some reflections judge Hall said "I believe it will be best for the general to exercise his discretion;" Mathews did not say any thing, and as they left Wilkinson, he told them he hoped they would not hang him for what he would do, and they both answered in the negative.

On Sunday, the fourteenth, Dr. Erick Bollman, was arrested by order of Wilkinson and hurried to a secret place of confinement, and on the evening of the following day application was made on his behalf, for a writ of habeas corpus, to Sprigg, one of the territorial judges, who declined acting, till he could consult Mathews, who could not then be found. On the sixteenth, the writ was obtained from the superior court; but Bollman was in the meanwhile, put on board of a vessel and sent down the river. On the same day, application was made to Workman, the

judge of the county of Orleans, for a writ of habeas corpus, in favor of Ogden and Swartwout, who had been arrested a few days before, by order of Wilkinson, at Fort Adams, and were on board of a bomb ketch of the United States lying before the city. Workman immediately granted the writ and called on Claiborne to inquire whether he had assented to Wilkinson's proceedings: Claiborne replied he had consented to the arrest of Bollman, and his mind was not made up as to the propriety of that of Ogden and Swartwout. Workman then expatiated on the illegality and evil tendency of such measures, beseeching Claiborne not to permit them, but to use his own authority, as the constitutional guardian of his fellow-citizens, to protect them; but he was answered that the executive had no authority to liberate those persons, and it was for the judiciary to do it, if they thought fit. Workman added, that he had heard that Wilkinson intended to ship off his prisoners, and if this was permitted, writs of habeas corpus would prove nugatory.

From the alarm and terror prevalent in the city, the deputy sheriff could procure no boat to take him on board of the ketch, on the day the writ issued. This circumstance was made known early, on the next morning to Workman, who, thereupon, directed the deputy sheriff to procure a boat by the offer of a considerable sum of money, for the payment of which he undertook the county would be responsible. The writ was served soon afterwards, and returned at five in the evening by commodore Shaw and the commanding officer of the ketch, lieutenant Jones; Swartwout had been taken from the ketch before the service of the writ. Ogden was produced and dis-

charged, as his detention was justified on the order of Wilkinson only.

On the eighteenth of December, Wilkinson returned the writ of habeas corpus into the superior court, stating that, as commander in chief of the army of the United States, he took on himself all responsibility for the arrest of Erick Bollman, charged with misprison of treason against the government of the United States, and he had adopted measures for his safe delivery to the government of the United States: that it was, after several conversations with the governor and one of the judges of the territory, that he had hazarded this step for the national safety, menaced to its basis by a lawless band of traitors, associated under Aaron Burr, whose accomplices were extended from New-York to New-Orleans: that no man held in higher reverence the civil authorities of his country, and it was to maintain and perpetuate the holy attributes of the constitution, against the uplifted arm of violence, that he had interposed the force of arms in a moment of the utmost peril, to seize upon Bollman, as he should upon all others, *without regard to standing or station*, against whom any proof might arise of a participation in the lawless combination.

This return was, afterwards, amended, by an averment that, at the time of the service of the writ, Bollman was not in the possession or power of the person to whom it was addressed.

On the following day Ogden was arrested a second time by the commanding officer of a troop of cavalry of the militia of the territory, in the service of the United States, by whom Alexander was also taken in custody; on the application of Livingston, Workman issued writs of habeas corpus for both prisoners.

Instead of a return, Wilkinson sent a written message to Workman, begging him to accept his return to the superior court, as applicable to the two traitors, who were the subjects of his writs. On this, Livingston procured from the court, a rule that Wilkinson make a further and more explicit return to the writs, or shew cause why an attachment should not issue against him.

Workman now called again on Claiborne, and repeated his observations and recommended, that Wilkinson should be opposed by force of arms. He stated, that the violent measures of that officer had produced great discontent, alarm and agitation in the public mind; and, unless such proceeding were effectually opposed, all confidence in government would be at an end. He urged Claiborne to revoke the order, by which he had placed the Orleans volunteers under Wilkinson's command, and to call out and arm the rest of the militia force, as soon as possible. He stated it as his opinion, that the army would not oppose the civil power, when constitutionally brought forth, or that, if they did, the governor might soon have men enough to render the opposition ineffectual. He added, that, from the laudable conduct of commodore Shaw and lieutenant Jones, respecting Ogden, he not only did not apprehend any resistance to the civil authority from the navy, but thought they might be relied on. Similar representations were made to Claiborne by Hall and Mathews; but they were unavailing.

On the twenty-sixth, Wilkinson made a second return to the writ of habeas corpus, stating that the body of neither of the prisoners was in his pos-

session or control. On this, Livingston moved for process of attachment.

Workman now made an official communication to Claiborne. He began by observing that the late extraordinary events, which had taken place within the territory, had led to a circumstance, which authorized the renewal, in a formal manner, of the request he had so frequently urged in conversation, that the executive would make use of the constitutional force placed under his command, to maintain the laws, and protect his fellow citizens against the unexampled tyranny, exercised over them.

He added, it was notorious that the commander in chief of the military forces had, by his own authority, arrested several citizens for civil offences, and had avowed on record, that he had adopted measures to send them out of the territory, openly declaring his determination to usurp the functions of the judiciary, by making himself the only judge of the guilt of the persons he suspected, and asserting in the same manner, and as yet without contradiction, that his measures were taken, after several consultations with the governor.

He proceeded to state, that writs of habeas corpus had been issued from the court of the county of New Orleans: on one of them, Ogden had been brought up and discharged, but he had been, however, again arrested, by order of the general. together with an officer of the court, who had aided professionally in procuring his release. The general had, in his return to a subsequent writ, issued on his behalf, referred the court to a return made by him to a former writ of the superior court, and in the further return which he had been ordered to make, he had declared that neither of the prisoners was in his power, pos-

session or custody; but he had not averred what was requisite, in order to exempt him from the penalty of a contempt of court, that these persons were not in his power, possession or custody, at the time when the writs were served, and, in consequence of the deficiency, the court had been moved for an attachment.

The judge remarked, that although a common case would not require the step he was taking, yet, he deemed it his duty, before any decisive measure was pursued against a man, who had all the regular force, and in pursuance of the governor's public orders, a great part of that of the territory, at his disposal, to ask whether the executive had the ability to enforce the decrees of the court of the county, and if he had, whether he would deem it expedient to do it, in the present instance, or whether the allegation by which he supported these violent measures was well founded?

Not only the conduct and power of Wilkinson, said the judge, but various other circumstances, peculiar to our present situation, the alarm excited in the public mind, the description and character of a large part of the population of the country, might render it dangerous, in the highest degree, to adopt the measure usual in ordinary cases, of calling to the aid of the sheriff, the *posse comitatus*, unless it were done with the assurance of being supported by the governor in an efficient manner.

The letter concluded by requesting a precise and speedy answer to the preceding inquiries, and an assurance that, if certain of the governor's support, the judge should forthwith punish, as the law directs, the contempt offered to his court: on the other hand, should the governor not think it practicable or proper

to afford his aid, the court and its officers would no longer remain exposed to the contempt or insults of a man, whom they were unable to punish or resist.

The legislature met on the twelfth of January. Two days after, general Adair arrived in the city, from Tennessee, and reported he had left Burr at Nashville, on the twenty-second of December, with two flat boats, destined for New-Orleans. In the afternoon of the day of Adair's arrival, the hotel at which he had stopped was invested by one hundred and twenty men, under lieutenant colonel Kingsbury, accompanied by one of Wilkinson's aids. Adair was dragged from the dining table, and conducted to head quarters, where he was put in confinement. They beat to arms through the streets, the battalion of the volunteers of Orleans, and a part of the regular troops, paraded through the city, and Workman, Kerr and Bradford were arrested and confined. Wilkinson ordered the latter to be released, and the two former were liberated on the following day, on a writ of habeas corpus, issued by the district judge of the United States. Adair was secreted until an opportunity offered to ship him away.

Accounts arrived a few days after, that Burr was at Bayou Pierre, a little above the city of Natchez, with fourteen boats. He had been joined, at the mouth of Cumberland river, by a dozen boats, that had descended the Ohio; there were from eighty to one hundred men with him. and he had about forty stand of arms.

Claiborne made an ineffectual attempt to induce the legislature to pass an act for the suspension of the writ of habeas corpus. The draft of a memorial to be presented to congress, by the territorial legislature, was introduced in its lower house; the object of it

was to place the conduct of Wilkinson in its true light, before the national council. After an animated debate, which lasted during several days, the memorial was rejected by a majority of seven out of twenty-one members.

On the twenty-eighth, advices were received from Natchez, that on the fifteenth, Claiborne, colonel of the militia of the Mississippi territory, had marched at the head of a large detachment towards the part of the river at which Burr had stopped; that Burr had written to the secretary of the territory, who exercised the functions of governor, that he was ready to surrender himself to the civil authority; that the secretary had met him, and they had rode together to Natchez, where Burr gave bond for his appearance before the territorial court, at its next term. He, however, left the territory, and the governor issued a proclamation, offering a reward of two thousand dollars for his apprehension.

In the latter part of that month, Burling, who had been sent by Wilkinson to Mexico, returned. The viceroy had not been the dupe of Wilkinson's *ruse*, and gave a very cold reception to his messenger, who was strictly watched, and permitted to stay but a short time in the country.

Lieutenant Swann, who had been sent to Jamaica, came back about the same time. Admiral Drake observed to Wilkinson, that from the style and manner in which the communication he had received was written, he was at a loss how to answer it; but he begged him to be assured that British ships of war would never be employed in any improper service, and that he should ever be ready most cheerfully to obey the orders of his sovereign. Sir Eyre Coote trusted and sincerely believed that the representation

made to Wilkinson was totally groundless, as his letter contained the only intelligence received on the subject.

Workman resigned his office, finding that Claiborne paid no attention to his communications.

Towards the middle of March, Burr was arrested near fort Stoddart, and placed under a strong guard, by whom he was conveyed to Richmond, in Virginia, where he was admitted to bail.

Lieutenant Wilkinson, who had accompanied Pike up the Missouri, now reached New-Orleans. In his report, dated the sixth of April, he stated that the Osage Indians had been left in their village, about the fifteenth of August; after which, Pike's party traced the Osage river to its source, and reached the towns of the Pawnees, on the twenty-fifth of September. These Indians had lately been visited by a body of armed Spaniards, from Santa Fe. The flag of Spain was waving over their council room. Pike induced them to substitute that of the United States to it. Proceeding thence, westward, the party came to the Arkansas river, on the fifteenth of October. After a short halt, the lieutenant was detached, with five men, down the stream, to explore the country, and float down to the Mississippi. Pike and the rest of the party, sat out for the source of Red river.

The legislature adjourned towards the end of April, after having passed several very important acts. The county courts were abolished: a court was established in each parish, the judge of which was ex-officio judge of probates, and acted as clerk, sheriff and notary. It having been found, that annual sessions of the superior court, out of New-Orleans, were inconvenient, semi-annual ones were directed to be holden at Lafourche,

Pointe Coupee, Alexandria, Opelousas and Attakapas. The number of members of the house of representatives was fixed at twenty-five: six of these were to represent the county of Orleans; the counties of German Coast, Acadie, Lafourche, Iberville, Pointe Coupee, Rapides, Opelousas and Attakapas, were to send two members each; and one was to come from each of those of Concordia, Washita and Natchitoches. The territory was divided into nineteen parishes.

Wilkinson sailed to Virginia, towards the middle of May, for the purpose of attending Burr's trial, in Richmond.

On the first of July, Pike reached Natchitoches. We have seen, that he had sent a small detachment from his party down the Arkansas river, in October. From thence, he had travelled westwardly, and rambled throughout the rocky mountains, till the beginning of the new year, when he reached a branch of the Rio del Norte, which he mistook for one of those of Red river. He was overtaken by two Spanish officers and one hundred men, sent by don Joachim Allencaster, who commanded at Santa Fe. The officers, at the head of the Spanish party, were sent to escort Pike and his party to that city, from whence, he was informed, they would be conducted, by the most direct route to the navigable waters of Red river, which they would descend to Natchitoches. Although dubious of the sincerity of this invitation, and believing he was in a situation to defend himself, as long as his provisions lasted, or till an opportunity offered of escaping by night; yet, mindful of the pacific disposition of the government of the United States, and of his instructions in case he reconnoitered a party of Spanish troops, he determined on complying with don Joachim's request.

On his arrival at Santa Fe, he was informed that don Nemesio de Salcedo, the captain general of the interior provinces, had given orders that he should be sent, with his men, to the city of Chihuahua, in the province of Biscay, the residence of the captain general. He, accordingly, left Santa Fe, on the second day after his arrival, and reached Chihuahua on the twentieth of April.

Here, he was compelled to open his trunk, in presence of don Nemesio and an Irishman, in the service of Spain. All his official papers, his correspondence with Wilkinson, his diary, the notes he had taken on the geology, topography and climate of the country, and the Indian tribes he had visited, were seized and detained. He was supplied with money, guides and an escort, and set off for Natchitoches, three days after his arrival at Chihuahua.

In a letter, which Salcedo gave him for Wilkinson, he observed, that the latter could not be ignorant of the repeated representations made by the Spanish minister at Philadelphia, and by the marquis de Casa Calvo, while he was in Louisiana, warning the government of the United States, from extending its expeditions into territories unequivocally belonging to the Catholic king. He added that, the papers, taken from Pike, afforded evident and incontestible proof of his being guilty of a direct violation of the territorial rights of the crown of Spain, which would have justified his detention, and that of every individual accompanying him, as prisoners; but a desire to give the utmost latitude to the system of harmony and good understanding, subsisting between the two governments, and a hope that such measures would be taken by the officers of the United States, as would prevent any ill con-

sequences, resulting from the moderation of those of Spain, had induced him to detain, in the archives of the captainship general, all the papers Pike had presented, and permit him and his party to return home.

Wilkinson—Archives.—Gazettes.

CHAPTER XIV.

Court of inquiry on Wilkinson's conduct.—Clark's statement.—Legislature.—Civil Code.—Hostile appearances.—Troops ordered to New-Orleans.—Wilkinson sent to command them.—Canal Carondelet.—James Madison.—Great migration from Cuba.—Camp at Terre aux Bœufs.—Sickness among the troops.—Their removal to the Mississippi territory.—Terrible mortality.—Clark's pamphlet.—Wilkinson ordered to Washington City.—Hampton takes the command.—Legislature.—Claiborne's departure.—Robertson.—The Spanish garrison driven from Baton Rouge.—Skipwith.—Proclamation of the President of the United States.—Claiborne's return.—He takes possession of St. Francisville and Baton Rouge.—Parishes of Feliciana, East Baton Rouge, St. Helena and St. Tammany.—Insurrection among the negroes.—Legislature.—The inhabitants of the territory authorised to form a state constitution.

A motion being made on the twenty-fifth of December, 1807, in the house of representatives of the United States, that the president be requested to institute an inquiry into the conduct of Wilkinson, who was suspected of being a pensioner of Spain, he, on the second of January, made application for a court of inquiry, and one was accordingly ordered to assemble.

A short time after, Clark, the delegate of the territory of Orleans, delivered to the house, under the sanction of his oath, a statement of several transac-

tions, which had come to his knowledge, within the preceding twenty years, strongly implicating Wilkinson's conduct, as a pensioner of Spain and an accomplice of Burr.

The second territorial legislature began its second session, on the eighth of January. The professional gentlemen, who had been appointed in 1805, to prepare a civil and criminal code, Moreau Lislet and Brown, reported "a digest of the civil laws now in force in the territory of Orleans, with alterations and amendments adapted to the present form of government." Although the Napoleon code was promulgated in 1804, no copy of it had as yet reached New-Orleans: and the gentlemen availed themselves of the project of that work, the arrangement of which they adopted, and *mutatis mutandis* literally transcribed a considerable portion of it. Their conduct was certainly praiseworthy; for, although the project is necessarily much more imperfect than the code, it was far superior to any thing, that any two individuals could have produced, early enough, to answer the expectations of those who employed them. Their labor would have been much more beneficial to the people, than it has proved, if the legislature to whom it was submitted, had given it their sanction as a system, intended to stand by itself, and be construed by its own context, by repealing all former laws on matters acted upon in this digest.

Anterior laws were repealed, so far only, as they were contrary to, or irreconcilable with any of the provisions of the new. This would have been the case, if it had not been expressed.

In practice, the work was used, as an incomplete digest of existing statutes, which still retained their empire; and their exceptions and modifications were

held to affect several clauses, by which former principles were absolutely stated. Thus, the people found a decoy, in what was held out as a beacon.

The *Fuero Viejo*, *Fuero Juezo*, *Partidas*, *Recopilaciones*, *Leyes de las Indias*, *Autos Accordados* and *Royal schedules* remained parts of the written law of the territory, when not repealed expressly or by a necessary implication.

Of these musty laws the copies were extremely rare; a complete collection of them was in the hands of no one, and of very many of them, not a single copy existed in the province.

To explain them, Spanish commentators were consulted and the *corpus juris civilis* and its own commentators were resorted to; and to eke out any deficiency, the lawyers who came from France or Hispaniola read Pothier, d'Aguesseau, Dumoulin, &c.

Courts of justice were furnished with interpreters, of the French, Spanish and English languages; these translated the evidence and the charge of the court, when necessary, but not the arguments of the counsel. The case was often opened in the English language, and then the jurymen, who did not understand the counsel, were indulged with leave to withdraw from the box into the gallery. The defence, being in French, they were recalled and the indulgence shewn to them was enjoyed by their companions, who were strangers to that language. All went together into the jury room; each contending, the argument he had listened to was conclusive, and they finally agreed on a verdict, in the best manner they could.

Among the most useful acts that were passed, at this session, was one for the establishment of a school in each parish.

The court of inquiry on Wilkinson's conduct did not terminate its investigation, till the month of June,

its report was in favor of the general, and was approved of by the president of the United States.

In the fall, the foreign relations of the union assumed an aspect, which produced a general impression, that a rupture with Great Britain was neither improbable nor distant, and the executive received information, that the disposable force at Halifax, was held in readiness to serve in the West Indies, or take possession of New-Orleans, (should the forces of the United States move northerly) and keep that city as an equivalent for what might be lost in Canada.

Accordingly, on the second of November, the secretary of war directed Wilkinson to take measures, without delay, for assembling at New-Orleans and its vicinity, as large a portion of the regular troops, as circumstances would allow. The third, fifth and seventh regiments, with a battalion, composed of four companies of the sixth and the companies of light dragoons, light artillery and riflemen, raised in the states south of New-Jersey, were destined to the service and the general was instructed to make arrangements for reaching New-Orleans in order to take the command of the forces in that department, as soon as possible, and to make such a disposition of them, as would most effectually enable him to defend the country against an invading foe. He was authorised, in case of necessity, to call on the executives of the territories of Orleans and Mississippi, for such parts of their militia, as might be wanted.

He embarked at Baltimore on the twenty-fourth of January, 1809, and touched at Annapolis, Norfolk and Charleston to accelerate the motions of the troops in those places, and sailed to Havana, on a special mission to the captain general of the island of Cuba.

On the ninth of February, congress passed an act authorising the president of the United to cause the canal Carondelet to be extended to the Mississippi and deepened throughout, so as to admit of an early and safe passage to gun boats from the river to the lake, if on a survey he should be convinced, that this was practicable and would conduce to the defence of New Orleans, and an appropriation of twenty-five thousand dollars was made therefor.

On the fourth of March, James Madison succeeded Jefferson, in the presidency of the United States.

Wilkinson, on his return from Havana, stopped at Pensacola, and reached New-Orleans on the nineteenth of April.

The force which he found in that city was a little less than two thousand men, and one third of it was on the sick list. He spent some time in reconnoitring the country around, in search of a spot, from which the troops might readily be brought into action, in case of an attack, and in which they might, in the meanwhile, enjoy as much health and comfort, as the climate would allow; his choice fell on an elevated piece of ground, on the left bank of the Mississippi, about eight miles below the city, near the point at which the road leading to the settlements of Terre aux Bœufs leaves that which runs along the river.

Between the nineteenth of May and the eighteenth of July of this year, thirty-four vessels from the island of Cuba, with 5797 individuals, of whom 1828 were white, 1978 free blacks or colored persons and 1991 slaves. These people had sought a refuge, in that island, on the insurrection of the blacks in Hispaniola.

A large detachment was sent to Terre aux Bœufs to make the necessary preparations and the rest of the

troops gradually followed; on the thirteenth, seven hundred non-commissioned officers and privates had assembled.

They had hardly been three weeks encamped, when the most peremptory order from the department of war, of the twenty-fourth of October, was received by Wilkinson, directing him immediately to embark his whole force, leaving only sufficient garrisons of old troops at New-Orleans and fort St. Philip, and proceed to the high grounds on the rear of Fort Adams and Natchez, and by an equal division of his men form an encampment at each place.

A difficulty in procuring boats, and other circumstances, did not allow the troops to begin ascending the river, before the fifteenth of September; their progress lasted forty-seven days; during which, out of nine hundred and thirty-five men, who embarked, six hundred and thirty-eight were sick, and two hundred and forty died.

Although the report of the court of inquiry, in the preceding year, had been favorable to Wilkinson, the general impression, that he had received large sums of money from the Spanish government in Louisiana, to favor its views in detaching the western people from the atlantic states, was not absolutely effaced. Clark had published a statement of different transactions, in which Wilkinson had been concerned, during the preceding years, and had annexed to it copies of a number of authentic documents, from which he concluded the proof was irresistible, that the general had been a pensioner of Spain and an accomplice of Burr, whom he had betrayed, when he found his plans could not succeed. Clark's publication excited suspicion in many and caused conviction in some. The disasters, attending the forces sent to the Missis-

issippi, were attributed by Wilkinson's enemies to his misconduct and the clamor against him became so general, that it was thought proper to call him to the seat of government. Wade Hampton, who was sent to supercede him, assumed the command of the troops on the nineteen of December.

The total number of non-commissioned officers and privates, during the last ten months of this year, never exceeded nineteen hundred and fifty-three. Out of it, seven hundred and sixty-four died and one hundred and sixty-six deserted. So that the total loss was nine hundred and thirty, almost one half of the whole. The greatest sickness was in the month of August, when five hundred and sixty-three men were on the sick list.

The third territorial legislature held its first session on the ninth of February, and adjourned late in March, without having passed any very important public act. By one of its resolutions, however, twenty thousand dollars were appropriated to the establishment of a college.

Early in May, Claiborne having obtained leave of absence, left the territory on a visit to the eastern states—and the executive functions devolved on the secretary, Thomas B. Robertson.

In the summer, a number of citizens of the United States, who had removed to the neighborhood of Bayou Sarah, joined by others from the Mississippi territory, took up arms, embodied themselves and marched to the fort of Baton Rouge. Delassus, who commanded it, having but a handful of men, was enable to prevent their taking it. The people of the district sent delegates to a convention, that met at St. Francisville, declared their independence and framed a constitution. Fulwar Skipwith was appointed governor of the new state.

By a census taken this year, by the marshal of the United States, under an act of congress, it appears that the population of the territory was as follows:

| | | |
|---------------------------------|-------|---------|
| City and suburbs of N. Orleans, | 17242 | } 24552 |
| Precincts of New-Orleans, | 7310 | |
| Plaquemines, - - - - - | | 1549 |
| St. Bernard, - - - - - | | 1020 |
| St. Charles, - - - - - | | 3291 |
| St. John Baptist, - - - - - | | 2990 |
| St. James, - - - - - | | 3955 |
| Ascension, - - - - - | | 2219 |
| Assumption, - - - - - | | 2472 |
| Lafourche, - - - - - | | 1995 |
| Iberville, - - - - - | | 2679 |
| Baton Rouge, - - - - - | | 1463 |
| Pointe Coupee, - - - - - | | 4539 |
| Concordia, - - - - - | | 2895 |
| Ouachitta, - - - - - | | 1077 |
| Rapides, - - - - - | | 2200 |
| Catahoula, - - - - - | | 1164 |
| Avoyelles, - - - - - | | 1209 |
| Natchitoches, - - - - - | | 2870 |
| Opelousas, - - - - - | | 5048 |
| Attakapas, - - - - - | | 7369 |
| | | <hr/> |
| | | 76556 |

On receiving information that the garrison of the fort at Baton Rouge had been driven out, the president of the United States issued a proclamation, on the 16th of October, setting forth, that the territory south of the 31st degree of northern latitude, east on the Mississippi, as far as *Rio Perdido*, of which possession had not yet been delivered to the United States, had ever been considered and claimed by them

as part of the country they had acquired by the treaty of the 30th April, 1803, and their acquiescence in its temporary continuation under the authorities of Spain, was not the result of any distrust of their title, as had been particularly evinced by the general tenor of their laws, but was occasioned by their conciliatory views, a confidence in the justice of their cause, and the result of candid discussion and amicable negotiations with a friendly power; that a satisfactory adjustment of existing differences, too long delayed, without the fault of the United States, had been, for some time, entirely suspended, by events over which they had no control; and a crisis was now arrived, subversive of the order of things under the authority of Spain, whereby a failure of on the part of the United States, to take the country into their possession, might lead to events ultimately contravening the views of both parties; while in the meantime the security and tranquility of their adjoining territories were endangered, and new facilities given to the violation of their revenue and commercial laws, and of those for the prohibition of the importation of slaves: the failure might farther be considered as a dereliction of their title, and an insensibility to the importance of the stake.

It was urged, that the acts of congress, although contemplating a present possession by a foreign prince, had also had in view an eventual one by the United States, and had accordingly been so framed, as in that case to extend their operations thereto.

The president concluded by announcing, that under these weighty and urgent considerations, he had deemed it right and requisite, that possession should be immediately taken of the said territory, in the name and behalf of the United States. The governor of the territory of New-Orleans was accordingly directed,

to carry the views of the United States into complete execution, and to exercise over that part of the territory the authority and functions, legally appertaining to his office; the people were charged to pay due regard to him in his official character, to be obedient to the laws, to cherish harmony and demean themselves as peaceful citizens, under assurance of protection in the enjoyment of liberty, property and the religion they profess.

Claiborne, on his return from the United States, stopped at Natchez, where governor Holmes furnished him with a detachment of the militia of the Mississippi territory, which was joined by a volunteer troop of horse, from the neighborhood. They marched to St. Francisville, the first town below the line of demarcation, where, on the 7th of December, without any opposition, he hoisted the flag of the United States, in token of his having taken possession of the country, in their name and behalf, the inhabitants cheerfully submitting to his authority. He announced this event by a proclamation, and by subsequent ones established, in this new part of the territory of Orleans, the parishes of Feliciana, East Baton Rouge, St. Helena, St. Tammany, Biloxi and Pascagoula.

No attempt was made to occupy the town of Mobile, nor any part of the country around it, and the Spanish garrison of Fort Charlotte was left undisturbed; Claiborne having been especially instructed not to take possession, by force, of any post in which the Spaniards had a garrison, however small it might be.

We have seen, that in the latter part of the preceding year, Wilkinson had been ordered to the seat of government: he reached it towards the middle of April. There were then two committees of the house

of representatives, charged with enquiries on matters that concerned him, viz: the cause of the great mortality among the troops on the Mississippi, during the preceding year; his public life, conduct and character: and while the attention of the house was thus arrested on the general, the executive deemed it proper to suspend any proceeding in regard to him. Congress adjourned, without either of the committees making a report. Soon after the meeting of congress, in the winter, the first committee made a report, which did not implicate Wilkinson's conduct; the other, without an expression of their opinion, submitted to the house the whole evidence before them: without acting on it, the house directed it to be laid before the president of the United States.

Claiborne came to New-Orleans early in January, to meet the third territorial legislature, at its second session; but an uncontrollable event induced him to prorogue it till the fourth Monday of that month.

The slaves of a plantation, in the parish of St. John the Baptist, on the left bank of the Mississippi, about thirty-six miles above New-Orleans, revolted and were immediately joined by those of several neighboring plantations. They marched along the river, towards the city, divided into companies, each under an officer, with beat of drums and flags displayed, compelling the blacks they met to fall in their rear; and before they could be checked, set fire to the houses of four or five plantations. Their exact number was never ascertained, but asserted to be about five hundred. The militia of the parish and those above and below, were soon under arms; major Milton came down from Baton Rouge, with the regular force under his orders, and general Hampton, who was then in the city, headed those in Fort St. Charles

and the barracks. The blacks were soon surrounded and routed: sixty-six of them were either killed during the action, or hung on the spot, immediately after. Sixteen were sent to the city for trial, and a number fled to the swamps, where they could not be pursued: several of these had been dangerously wounded, and the corpses of others were afterwards discovered. The blacks, sent to New-Orleans, were convicted and executed. Their heads were placed on high poles, above and below the city, and along the river as far as the plantation on which the revolt began, and on those on which they had committed devastation. To insure tranquility and quiet alarm, a part of the regular forces and the militia remained on duty in the neighborhood, during a considerable time.

The general assembly made provision for the representation of the inhabitants of the new part of the territory in the legislature. They erected two new judicial districts, viz: those of Feliciana and Catahoula; the town of Vidalia, in the parish of Concordia, opposite to the city of Natchez, was established; a charter of incorporation was granted to a number of individuals, who had formed themselves into companies, for establishing two banks, the Planters' bank and the bank of Orleans: these institutions appeared to be called for by the expiration of the charter of the bank of the United States. The first had a capital of six hundred thousand dollars, and the duration of its charter was fifteen years; the capital of the other was five hundred thousand dollars, and its charter had the same duration.

An act was passed, granting to Livingston and Fulton, the sole and exclusive right and privilege to build, construct, make, use, employ and navigate boats, vessels and water crafts, urged or propelled through the

water by fire or steam, in all the creeks, rivers, bays and waters whatsoever, within the jurisdiction of the territory, during eighteen years from the first of January 1812.

Before the adjournment of the legislature, official information was received, that congress had, on the eleventh of February, passed an act, to enable the people of the territory to form a constitution and state government, and the admission of such state into the union.

Congress had not, as yet, determined that the part of the ceded territory, of which possession had been taken a few months, should be part of the new state, and its inhabitants were not authorized to appoint members of the convention, for framing the constitution.

The qualifications of the electors were citizenship of the United States, one year's residence in the territory and having paid a territorial, county, district or parish tax: persons having, in other respects, the legal qualifications for voting for representatives in the general assembly of the territory, were also authorized to vote.

The act was silent as to any qualifications, with regard to the members of the convention: their number was not to exceed sixty; the third Monday of September was named for their election, and they were directed to meet on the first Monday in November. The members who were to compose it, were to be apportioned among the counties, districts and parishes by the legislature.

The election was to be held at the same places and conducted in the same manner, as that for members of the house of representatives.

The convention was to assemble in the city of New-Orleans.

That body was first to determine, by the majority of the whole number elected, whether it be expedient or not, at that time, to form a constitution or state government, for the people of the territory, and if it was determined to be expedient, was to declare, in the same manner, in behalf of the people, that it adopted the constitution of the United States.

Congress required, that the constitution to be formed, should be republican; consistent with the constitution of the United States; contain the fundamental principles of civil and religious liberty; secure to the citizens the right of trial by jury in criminal cases, and that of the writ of *habeas corpus*, conformably to the provisions of the constitution of the United States; and that, after the admission of the new state into the union, the laws which suit a state may pass and be promulgated, and its records, of every description, be preserved, and its legislative and judicial written proceedings be conducted in the language, in which the laws, the legislative and judicial written proceedings were then published and conducted.

The convention was further required to provide, by an ordinance irrevocable, without the consent of the United States, that the people of the territory do agree and declare that they do forever disclaim all right or title to the waste or unappropriated lands, lying within the territory, and that the same shall be and remain at the sole and absolute disposition of the United States; and, moreover, that each and every tract of land sold by congress, shall remain exempt from any tax laid by the order, or under the authority of the state, county, township, parish or any other purpose whatever, for the term of four years from the respec-

tive days of the sale thereof: further, that the lands of citizens of the United States, residing without the state, shall never be taxed higher than the lands belonging to persons residing therein; and no tax shall ever be imposed on lands belonging to the United States.

Congress agreed that five per cent. on the neat proceeds of the sales of the public lands of the United States, should be applied to laying out and constructing public roads and levees, in the state, as the legislature may direct.

The act finally provided, that if the constitution or form of government, to be made, was not disapproved by congress, at their next session after they received it, the new state should be admitted into the union, upon the same footing with the original states.

The legislature apportioned the number of members of the convention among the parishes, and made provision for the expenses attending it, and adjourned in the latter part of April.

In the summer, a court martial was ordered, for the trial of Wilkinson, to meet at Frederickstown, and, on the 11th of July, he was furnished with a copy of the charges against him. He was accused of having corruptly combined with the government of Spain, in Louisiana, for the separation of the western people from the Atlantic states; of having corruptly received large sums of money from Spain; of having connived at the designs of Burr; of having been an accomplice in them; of waste of public money; and finally, of disobedience to orders.

In the month of November, the convention assembled at New-Orleans. The constitution of the United States was adopted; a constitution was formed,

and received the signatures of all the members of the convention, on the 22d of January.

The preamble of this document, describes the limits of the new state, and declares the erection of the territory into a state, by the name of Louisiana.

The powers of government are divided into three distinct branches; each of which is confided to a separate body of magistracy, the legislative, executive and judiciary; and it is declared that no person or number of persons, of any of the magistracies, shall exercise any power confided to any of the others.

The legislative powers are vested in a general assembly, composed of a senate and house of representatives.

The election is to take place on the first Monday of July, in every other year.

The qualifications of electors are the same, in regard to the senate and house of representatives.

Every free white male citizen of the United States, having attained the age of twenty-one years, and resided one year in the country, and having, within the last six months paid a state tax, or being a purchaser of lands of the United States, is entitled to a vote.

Free white male citizens of the United States, having attained the age of twenty-one years, resided in the state during the two preceding years, and during the last in the county or district, and holding landed property therein to the value of five hundred dollars, are eligible as members of the house of representatives.

The number of representatives is to be ascertained and regulated by the number of qualified electors; a census thereof is to be taken in every fourth year.

The state is divided into fourteen senatorial dis-

tricts, which are forever to remain indivisible, and each of which elects a senator.

Each senator must be a citizen of the United States, have attained the age of thirty years, and have double the time of residence and value of property, required of a member of the house of representatives.

Senators are elected for six years, one third of them going out every second year.

In either house, a majority of its members constitutes a quorum, but a less number may adjourn and compel attendance.

Each is judge of the qualifications and elections of its own members; appoints its officers; determines the rules of its proceedings; may punish, and, with the concurrence of two thirds, expel a member, but not a second time for the same offence; keeps and publishes a weekly journal of its proceedings, and enters, thereon, the yeas and nays, at the desire of two members.

Neither, during the session, can, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which they respectively sit.

The members of each house receive a compensation for their services, from the treasury. Except in cases of treason, felony and breach of the peace, they are privileged from arrest, while sitting in, going to, or returning from the house, and for any speech therein, cannot be questioned elsewhere. They are, during the period of their service and the following year, ineligible to any office created, or the emoluments of which were increased during the period for which they were elected, unless the office be filled by the suffrages of the people.

Clergymen, priests or teachers of any religious persuasion, and collectors of public taxes, not duly dis-

charged, are ineligible as members of the general assembly.

Every bill is to be read three times, in each of the houses.

Bills for raising a revenue originate in the house of representatives; but the senate may propose amendments.

The executive power is vested in a governor.

He must be, at least, thirty-five years of age, have resided six years in the state, immediately before the election, and hold, in his own right, a landed estate of the value of five thousand dollars, according to the tax list.

Members of congress, persons holding any office under the United States and ministers of any religious society, are ineligible as governor.

Every fourth year the electors of members of the legislature vote for a governor, at the time and place at which they vote for the legislature; and, on the second day after the meeting of that body, the members of both houses meet in the house of representatives, choose a governor out of the two individuals having received the greatest number of votes from the people: but, if more than two have such a number, the members vote for them in the same manner: but if more than one individual have an equal number of votes, next to the one who had the highest, they vote for one of the former, to be voted for with the latter.

In this, as in all other elections, the votes are taken by ballot.

The governor is commander in chief of the army and navy, and of the militia, except when the latter is in the service of the United States; but does not act personally in the field, unless so advised by the legislature. He nominates and appoints, with the advice

and consent of the senate, judges, sheriffs and all other officers, created by the constitution, whose appointment it does not vest in other persons; he fills, provisionally, all vacancies happening during the recess of the legislature; he has power to remit fines and forfeitures; except in cases of impeachment, he grants reprieves, and, with the approbation of the senate, pardons; in case of treason he grants reprieves till the meeting of the general assembly, who alone may pardon.

He may require information, in writing, from any officer in the executive department, on any matter relating to their respective offices.

He gives, from time to time, to the general assembly, information respecting the situation of the state, and recommends measures to their consideration, and takes care that the laws be executed.

On extraordinary occasions, he convenes the general assembly, at the seat of government, or elsewhere in cases of danger. If the houses disagree, at the time of their adjournment, he adjourns them to any day within four months.

He visits the several counties, at least, once in every two years.

Every bill, after having passed both houses, is sent to the governor, who signs it, if he approves of it; otherwise he returns it to the house from whence it came, with his objections, where, after they are entered on the journal, the bill is reconsidered, and if two thirds of the members elected, vote for it, it is sent, with the objections, to the other house, and becomes a law, if voted for there, by two thirds of the members elected.

Resolutions, to which both houses made assent, are sent to the governor in the same manner as bills.

If the governor do not return a bill or resolution within ten days after receiving it, his approbation is

presumed, unless the house, in which it originated, prevents its return by an adjournment.

A secretary of state is appointed for the same period as the governor: he attests the latter's official acts, and is the keeper of the archives.

The governor's compensation cannot be increased or diminished during the incumbent's period of service.

The judicial power is vested in a supreme and inferior courts. The first is composed of not less than three nor more than five judges. It sits at New-Orleans during the months of January, February, March, April, May, June, July, November and December, for the eastern district; and at Opelousas during the rest of the year, for the western. The legislature may change the place of sitting, in the western circuit, every fifth year. Its jurisdiction is appellate only, and extends to civil cases, in which the value of the matter in dispute, exceeds three hundred dollars.

Inferior courts are established by law.

The judges are conservators of the peace throughout the state; they hold their offices during their good behavior. They are removable on impeachment, and, for any reasonable cause, not sufficient for impeachment, they may be removed by the governor, on the address of three fourths of each house of the general assembly.

The power of impeachment is vested in the house of representatives alone. The senate is the sole judge, and conviction cannot take place without the concurrence of two thirds of the senators present.

The governor and all civil officers are liable to impeachment for any misdemeanor in office. The judgment extends only to removal and disqualification; but is subject to prosecution in other courts.

In case of the governor's impeachment, death, resignation or removal, his functions devolve on the president of the senate.

Provision was made for the freedom of the press; the writ of *habeas corpus*; the trial by jury. and the due administration of justice in criminal cases; admission to bail, and the exclusion of cruel and unusual punishment.

The clauses, recommended by congress, were inserted.

A mode for revising the constitution was provided.

Arrangements were made, in a schedule, for the march of the state government, at the expiration of the territorial, by continuing the officers of the former, until superseded by law.

Those who prepared the first form of a constitution, submitted to the convention. took the constitution of Kentucky for a model: they made several alterations, and others were introduced by the convention.

One of the principal was a provision for the salary of the judges of the supreme court, which was fixed at five thousand dollars: another was the obligation imposed on the judges of all courts, as often as it may be possible, in every definitive judgment, to refer to the particular law, in virtue of which, the judgment is rendered, and, in all cases, to adduce the reasons on which it is founded.

Wilkinson—Archives.—Gazettes.

CHAPTER XV.

First steam boat on the Mississippi.—Apostolic administration.—Wilkinson's acquittal.—Louisiana admitted into the Union—Conditions.—Extension of limits.—Proclamation of the president of the convention, ordering elections, under the authority of the state.—War declared against Great Britain.—Wilkinson assumes the command of the seventh military district.—First session of the first state legislature.—Governor Claiborne.—The extension of limits assented to.—Hurricane.—Second session of the legislature.—Judicial system.—Congress directs possession to be taken of the territory west of the Rio Perdido.—Wilkinson drives the Spanish garrison from Fort Charlotte at Mobile.—He is ordered to the northern frontier of the U. S., and is succeeded by gen. Flournoy.—Attack of fort Mimms. The Creeks chastised at Tallusatche and other places. Embargo.—One thousand militia of Louisiana called into the service of the U. S.—Third session of the legislature.—The Indians further chastised.—A further requisition of the militia—Peace with the Creeks. Brig Orpheus.—Colonel Nichols—His proclamation. He attempts to secure the assistance of the Barrataria people.—Attack on fort Boyer.—The Barrataria people dispersed.—Committee of defence in New-Orleans. Jackson marches to Pensacola, and compels the governor to remove garrisons of his army in the forts.

On the tenth of January, 1812, the inhabitants of New-Orleans witnessed the approach of the first ves-

sel, propelled by steam, which floated on the Mississippi, the New-Orleans, from Pittsburg. The captain stated, he had been but two hundred and fifty-nine hours, actually on the way.

We have seen that soon after the cession, the Pope had placed the ecclesiastical concerns of the success of Louisian, under the care of bishop Carrol, of Baltimore, he now confided them to the abbe Dubourg, a French clergyman, who had resided for several years in Baltimore, and who came to New-Orleans with the appointment of Apostolic Administrator.

The president of the United States approved, on the 14th of February, 1812, the sentence pronounced by the court martial, on the 23d of December preceding, acquitting Wilkinson of all the charges exhibited against him.

Early in the month of April, congress passed an act for the admission of the territory of Orleans, as a state, into the union; but the act was not to be in force till the 30th of the month, the ninth anniversary of the treaty of cession. It was declared to be a condition of the admission of the new member, that the river Mississippi, and the navigable waters leading into it, and into the gulf of Mexico, should be common highways, and forever free, as well to the inhabitants of that state as to those of the other states and territories of the United States, without any tax, duty, impost or toll therefor, imposed by the state, and that this condition and all others, stated in the act of the preceeding session, for enabling the inhabitants of the territory to form a constitution &c. should be considered, as the fundamental terms and conditions of the admission of the state into the union.

A few days after, another act was passed, for extending the limits of the state, by annexing thereto, the country south of the Mississippi territory, and east of the Mississippi river and the lakes, as far as Pearl river.

The legislature was required, in case it assented to this accession of territory, to make provision, at its next session, for the representation of the inhabitants, in the legislature, according to the principles of the constitution, and for securing to them equal rights with those enjoyed by the people of the other parts of the state: the law passed for this purpose, being liable to revision, modification and amendments by congress, and, also, in the mode, provided for amendments to the constitution, but not liable to change and amendment by the legislature of the state.

On the 12th of the same month, Wilkinson was directed, by the secretary of war, to return to New-Orleans and resume his command.

Authentic copies of the late acts of congress having reached New-Orleans in the beginning of June, Poydras, the president of the late convention, in compliance with a provision of the schedule, annexed to the constitution, issued his proclamation for the election of a governor and members to the legislature.

General Wilkinson reached New-Orleans on the 8th of June.

Congress declared war against Great Britain, on the 18th.

The senate and house of representatives, according to the constitution, assembled on the 27th, and on the following day, proceeded to the election of a governor: Claiborne and Villere, the son of the gentleman who, we have seen, fell under the bayonets of a Spanish guard, in 1769, were the individuals who had received the highest number of votes from the people: the

former, who had a larger number than the latter, was chosen.

The first act of the legislature, was that by which the proposed extent of territory was assented to; and the next was that providing for the representation of the new citizens of the state, in its legislature, and the extension to them of all the rights enjoyed by the inhabitants of the other parts of the state. They were allowed three senators and six members of the house of representatives.

It was thought best to postpone the establishment of the judiciary department, till the new members of the legislature could be elected and take their seats; and after attending to such matters as required immediate attention, the legislature adjourned early in September, to the 23d of November.

On the nineteenth of August, the country suffered a great deal from a hurricane, the ravages of which exceeded those hitherto known by any of the inhabitants. Several buildings were blown down in New-Orleans, particularly a very large and elegant market house.

At their second session, a supreme, district and parish courts were organized: the first was to be composed of three judges, and Hall, Mathews and Derbigny were, accordingly, appointed. The state was divided into seven districts, in which a court was to be holden, in each parish, except the first, by a district judge, who had the same jurisdiction as the late territorial superior court. In the first district the court was to be holden in New-Orleans only.

The parish courts were continued on the same footing, except that of New-Orleans, to which the jurisdiction of a district court was given.

The arms of the United States were unsuccessful on the northern frontier, during the year 1812: gen-

eral Hull surrendered his army to the enemy, who possessed themselves of the whole Michigan territory. General Van Ranselaer was more fortunate at the battle of Queenstown, where he drove off the assailants, with a considerable loss, particularly that of their leader general Brock.

The navy acquired much eclat: the British frigates *Guerriere*, *Macedonian* and *Java*, were taken by captains Hull, Decatur and Bainbridge; the sloop of war *Alert*, by captain Porter, and the brigs of war *Detroit* and *Caledonia* by lieutenant Jones.

The United States lost the brigs *Nautilus* and *Vixen* and the sloop of war the *Wasp*.

On the 12th of February, 1813, congress authorized the president of the United States, to occupy and hold that part of West Florida, lying west of the river Perdido, not then in the possession of the United States. Orders for this purpose were sent to Wilkinson, who immediately took measures with commodore Shaw, and the necessary equipments being made, the forces employed in this service reached the vicinity of fort Charlotte, in the night between the 7th and 8th of April, having on their way dispossessed a Spanish guard, on Dauphin island, and intercepted a Spanish transport, having on board detachments of artillery, with provisions and munitions of war. Don Gayetano Perez, who commanded in fort Charlotte, received the first information of Wilkinson's approach from his drums. The place was strong and well supplied with artillery, but the garrison consisted of one hundred and fifty effective men only, and was destitute of provisions, as the troops depended upon the town for daily subsistence. Don Gayetano capitulated on the thirteenth. The garrison was sent to Pensacola, but the artillery of the fort was retained, to be accounted

for by the United States: with part of it, Wilkinson established a small fortification on Mobile point, which commanded the entrance of the bay; he left colonel Constant in command at fort Charlotte, and returned to New-Orleans, which he left a few days after, being ordered to join the army on the frontiers of Canada.

General Flournoy, of Georgia, was sent to command the forces on the Mississippi.

The British had sent emissaries from Canada, among the southern Indians, with a view to induce them to take up the hatchet against the frontier inhabitants of Georgia and the Mississippi territory. Those men were successful among the Creeks, who, on the 20th of June, manifested their hostile temper by the massacre of several individuals of their own tribes, who were friendly to the United States. This event was not, however, followed by any positive act of hostility against the United States, till the 13th of September, when they committed a sudden, unprovoked, and daring outrage against them.

Major Beasley had been sent to command a small garrison, which it had been deemed proper to put in fort Mimms, in the Tensau settlement of the Mississippi territory; a Creek Indian came and informed him, in an apparently friendly manner, that he was to be attacked within two days: having made his communication, he departed and was hardly out of sight when twenty or thirty of his countrymen came in view, and forcibly entered the fort. In the attempt to shut the gate, Beasley was killed: the garrison revenged his death by that of all the assailants. This first party was, however, soon followed by a body of about eight hundred: the garrison was overpowered, the fort taken and every man, woman and child in it

slaughtered, with the exception of four privates, who, though severely wounded, effected their escape, and reached fort Stoddard.

This misfortune was considerably heightened by the circumstance of a number of the settlers near the fort having sent their families there for protection: the number of white persons who thus perished amounted to three hundred and fifty. The garrison made a most obstinate defence; two hundred and fifty Indians were killed, and the number of the wounded could not be known.

This event broke up the settlement: its inhabitants sought the protection of the white people, at Mobile and forts Stoddard and St. Stevens.

A forty-fourth regiment of infantry had been ordered to be raised, and exclusively employed in the state of Louisiana and West Florida. Colonel G. T. Ross, to whom the command of it had been given, entered on the recruiting service early in the month of October.

On the first account of the disaster at fort Mimms, very large parties of the militia of the states of Tennessee and Georgia, volunteered their services, and took the field under generals Jackson and Floyd, to avenge their countrymen. The first blow was struck on the third of November, at the Tallusa'che towns, where one hundred and eighty-six warriors were killed, and eighty-four women and children made prisoners: the militia had five men killed and forty-one wounded. A week after Jackson, with about two thousand Tennessee volunteers, fell on the Indians at Talledoga and defeated them, killing three hundred warriors: he had only six men killed and eighty wounded.

On the eighteenth a division of the Tennessee volunteer militia, under general White, destroyed the towns of Little Oakfulkee, Genalga and Hillsbee; in an action in which he had not a man killed or wounded, and he killed sixty Indians and made two hundred and fifty-six prisoners.

General Floyd, with nine hundred and sixty men, of the Georgia militia, and three hundred and fifty friendly Indians, attacked fifteen hundred hostile Creeks, at Antossee and Tallassee. He burnt upwards of four hundred houses, and killed two hundred warriors, including the kings of the two towns. His loss was seven killed and fifty-four wounded.

Congress, on the seventeenth of December, laid a general embargo.

In the latter part of that month, Flournoy, by order of the United States, made a requisition of one thousand men of the militia of the state, to be employed in the service of the United States, during six months, unless sooner discharged. Claiborne complied with the requisition immediately.

The arms of the United States were more successful on the northern frontier during this year, than in the preceding, yet but little advantage was obtained. The enemy made considerable havock on the Chesapeake, in the towns of Hampton, Havre de Grace, Georgetown and Frederickton.

The navy acquired much glory: the British ships Detroit and Queen Charlotte, brig Hunter, schooners Lady Prevost and Chippewa, and sloop Little Belt, were taken by commodore Perry. The brigs Peacock and Boxer by captain Lawrence and lieutenant Brown, the schooners Dominica and Highflyer by a privateer, and captain Rodgers. The United States lost the frigate Chesapeake, and schooners Viper, Asp, Julia and Growler, and brig Argus.

The legislature began its third session on the third of January 1814, but did not pass any very important act.

General Claiborne, at the head of a detachment of the Mississippi territory, on the twenty-third of January, burned the town of Etchenachaca, (holy ground) and routed the Indians. Two days after, general Floyd was attacked, on his encampment, forty-eight miles west of Catahouchee; but the enemy retreated after a severe conflict. The loss of the general was twenty-two killed and twenty-seven wounded.

A decisive blow was at last struck on the twenty-seventh of March, when general Jackson attacked the enemy's entrenchments, and, after an action of five hours, completely defeated them, killing seven hundred and fifty warriors, and taking two hundred and fifty women and children. His loss was twenty-five killed and one hundred and five wounded.

Congress, on the fourteenth of April, repealed the embargo and new importation laws.

In the course of that month the banks in New-Orleans ceased to pay specie for their notes.

Lieutenant colonel Pearson, with two hundred and fifty of the North Carolina militia, and seventy friendly Indians, having scoured the banks of the Alabama, made six hundred and twenty-two men, women and children prisoners.

Official accounts were received at Washington city of the fall of Bonaparte; the restoration of Louis XVIII. and the consequent general pacification in Europe. These events leaving to Great Britain a large disposable force, and offering her the means of giving to the war in America a character of new and increased activity and extent; al-

though the government of the United States did not know that such would be its application, nor what particular point or points would become objects of attack, the president deemed it advisable to strengthen the line of the Atlantic and the gulf of Mexico. His directions were accordingly communicated by the secretary of war to Claiborne, to organize and hold in readiness a corps of one thousand militia infantry, the quota of Louisiana, also a requisition made on the executive of the several states, for ninety-three thousand five hundred men. Claiborne lost no time in carrying the views of the general government into execution.

The Creek Indians having sued for peace, power was given to Jackson to conclude it. This was done at Fort Jackson, on the ninth of August.

This treaty strongly marks the temper of the United States' agent. It begins by stating that an unprovoked, inhuman and sanguinary war, waged by the hostile Creek Indians, against the United States, has been repelled, prosecuted and determined successfully on the part of the latter, in conformity with the principles of national justice and honorable warfare, and consideration is due to the rectitude of the proceeding, dictated by instructions relating to the re-establishment of peace; that prior to the conquest of that part of the Creek nation, hostile to the United States, numberless aggravations had been committed against the peace, the property and the lives of the citizens of the United States and those of the Creek nation in amity with them, at the mouth of Duck river, fort Mimms and elsewhere, contrary to national faith, and an existing treaty; that the United States, previously to the perpetration of such outrages, endeavored to secure future

amity and concord between the Creek nation and their citizens, in conformity with the stipulations of former treaties, fulfilled with punctuality and good faith, their engagements to the Creek nation, and more than two thirds of the whole number of chiefs and warriors, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, the respect due to the part of the nation faithful to the United States, and the principles of humanity, by impostors, denominating themselves prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.—Wherefore:

The United States demand an equivalent for all expenses, incurred in prosecuting the war to its termination, by a cession of all the territory belonging to the Creek nation, within certain limits, expressed in the treaty.

The United States guaranty to the Creek nation the integrity of the rest of their territory.

They demand, that the Creek nation abandon all communication and cease to hold any intercourse with any British or Spanish post, garrison or town, and that they shall not admit among them any agent or trader, who shall not have authority, to hold commercial or other intercourse with them, from the United States.

The United states demand an acknowledgement of the right of establishing military posts and trading houses, and to open roads within the territory, guarantied to the Creek nation, and a right to the free navigation of all its waters.

The United States demand the immediate surrender of all the persons and property of their citi-

zens and their friendly Indians, and promise to restore the prisoners they made in the nation, and the property of any of its members.

The United States demand the capture and surrender of all the prophets and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, or become parties to the treaty, if ever they shall be found within the territory, guarantied by the United States to the the nation by the treaty.

The Creek nation being reduced to extreme want and not having, at present, the means of subsistance, the United States, from motives of humanity, will continue to furnish, gratuitously, the necessaries of life, until crops of corn be considered competent to yield the nation a supply, and will establish trading houses among them to enable the nation, by industry and economy, to purchase clothing.

The Creek nation acceding to these demands, it is declared, that a permanent peace shall ensue, from the date of the treaty forever, between the Creek nation and the United States, and the Creek nation and the Cherokee, Chickasaw and Coctaw nations.

Early in the month of August, the British brig *Orpheus*, brought several officers of that nation to the bay of Apalachicola, with several pieces of artillery. Their object was to enter into arrangements with the chiefs of the Creek nation of Indians for obtaining a number of their warriors to join the British force, which was soon expected, and intended for the attack of the fortification which Wilkinson, after he had taken fort Charlotte, had established at Mobile point, and the possession of which was considered as an object of great impor-

tance towards the execution of ulterior operations, which were meditated against Louisiana. These officers easily succeeded in rallying a number of Indians around the British standard. Individuals from almost all the tribes, who dwelled to the eastward of the Choctaws, joined the Creeks: they were supplied with arms and drilled.

Soon after, colonel Nichols arrived at Pensacola. He had sailed from Burmdas with a few companies of infantry, and touched at the Havana, in expectation of obtaining, from the captain general of the island of Cuba, a few gun-boats and small vessels, with permission to land his men and some artillery at Pensacola. He obtained no aid: but it is imagined the captain general did not seriously object to his effecting a landing at Pensacola, as he did so without any effort made by the Spanish officers there, to maintain the neutrality of the place. He was soon joined by the officers of his nation, who had preceded him in West Florida, accompanied by a very considerable number of Indians. He established his head quarters in the town, from which he issued, on the twenty-ninth of August, his proclamation to the people of Louisiana.

He announced, that on them the first call was then made to assist in the liberation of their natal soil, from a faithless and weak government. To Spaniards, Frenchmen, Italians and Englishmen, whether residents or sojourners in Louisiana, application was made for assistance. The colonel said he had brought a fine train of artillery and every thing requisite, was heading a large body of Indians, commanded by British officers, and was seconded by numerous British and Spanish fleets. His object was to put an

end to the usurpation of the United States, and restore the country to its lawful owners.

He gave assurances, that the inhabitants had no need to be alarmed at his approach, as the good faith and disinterestedness, which Britons had manifested in Europe, would distinguish them in America. The people would be relieved from taxes, imposed on them to support an unnatural war: their property, their laws, their religion, the peace and tranquility of their country, would be guaranteed by men, who suffered no infringement of their own.

The Indians, he added, had pledged themselves, in the most solemn manner, to refrain from offering the slightest injury to any but the enemies of their Spanish or British fathers. A French, Spanish or British flag, hoisted over any house, would be a sure protection, and no Indian would dare to cross the threshold of such a dwelling.

Addressing himself to the people of Kentucky, he observed, they had too long borne with grievous impositions; the whole brunt of the war had fallen on their brave sons. He advised them to be imposed on no longer, but either to revenge themselves under the standard of their forefathers, or observe the strictest neutrality: assuring them, that, if they complied with his offers, whatever provisions they might send down would be paid in dollars, and the safety of the persons accompanying them, as well as the free navigation of the Mississippi would be guaranteed to them.

He called to their view, and he trusted to their abhorrence, the conduct of those factions which had hurried them into a civil, unjust and unnatural war, at a time, when Great Britain was straining every nerve in the defence of her own and the liberties of the

world; when the bravest of her sons were fighting and bleeding in so sacred a cause; when she was spending millions of her treasure, in endeavoring to put down one of the most formidable and dangerous tyrants, that ever disgraced the form of man; when groaning Europe was almost in her last gasp; when Britain alone shewed an undaunted front; when her assassins endeavored to stab her; from the war, she had turned on them, renovated from the bloody, but successful struggle; Europe was now happy and free, and she now hastened justly to avenge the insult. He besought them to shew they were not collectively unjust, and leave the contemptible few to shift for themselves; to let the slaves of the tyrants send an embassy to the island of Elba, to implore his aid, and let every honest American spurn them with united contempt.

He asked, whether the Kentuckians, after the experience of twenty-one years, could longer support those brawlers for liberty, who called it freedom, when themselves were free. He advised them not to be duped any longer and accept of his offers, assuring them what he had promised he guaranteed to them on the *sound honor* of a *British officer*.

In an order of the day for the first colonial battalion of the royal corps of marines, colonel Nichols informed them they were called upon to perform a duty of the utmost danger, and to begin a long and tedious march through wildernesses and swamps, and their enemy, being enured to the climate, had a great advantage over them: but he conjured them to remember the twenty-one years of glory and toil of their country, and to resolve to follow the example of their noble companions, who had fought and shed their blood in her service; to be equally faithful and trust

in their moral discipline, and the least and most perfidious of their enemies would not long maintain himself before them.

He added, that a cause, so sacred as that which had led them to draw their swords in Europe, would make them unsheath them in America, and use them with equal credit and advantage. In Europe their arms had not been employed for the good of their country only, but for that of those who groaned in the chains of oppression, and in America they were to have the same discretion, and the people they were now to aid and assist, groaned under robberies and murders, committed on them by the Americans.

He said, the noble Spanish nation had grieved to see her territories insulted, having been robbed and despoiled of a portion of them, while overwhelmed with distress and held down by chains a tyrant had loaded her with, while gloriously struggling for the greatest of all possible blessings, true liberty; the treacherous Americans, who call themselves free, had attacked her, like assassins, while she was fallen; but the day of retribution was fast approaching; these atrocities would excite horror in the hearts of British soldiers, and would stimulate them to avenge the oppressed.

He recommended to his men to exhibit to the Indians the most exact discipline, and be a pattern to those children of nature; to teach and instruct them, with the utmost patience, and correct them when they deserve it; to respect their affections and antipathies and never give them a just cause of offence.

He concluded by reminding them, that sobriety above all things, should be their greatest care: a single instance of drunkenness might be their ruin, and he declared in the most solemn manner, that no con-

sideration whatever should ever induce him to forgive a drunkard.

Emissaries were sent, with copies of this proclamation, over the country, between Mobile river and the Mississippi.

On the capture of the island of Guadaloupe, by the British, most of the privateers, commissioned by the colonial government, unable to find a shelter in the West India islands, resorted to lake Barrataria, to the west of the city of New-Orleans, for supplies of water and provisions, recruiting the health of their crews and disposing of their prizes, which they were unable to do elsewhere. At the expiration of the period, during which their commissions, from the governor of Guadaloupe, authorized them to cruize, these people went to Carthagená, where they procured commissions, authorizing the capture of Spanish vessels: the neutrality of the United States, preventing vessels thus captured from being brought to their ports, they were brought to Barrataria. Under that denomination was included all the coast on the gulf of Mexico, between the western mouth of the Mississippi and that of the river or bayou Lafourche. Near the sea between those streams are the small, large and larger lakes of Barataria, communicating with one another by bayous, the numerous branches of which interlock each other. A secure harbor afforded a shelter to the vessels of those people, who had established near it a small village, in which they met individuals from the settlements of Attakapas and Lafourche, and the right bank of the Mississippi, and even New-Orleans, who, having but few competitors, purchased merchandize on advantageous terms, and obtained good prices for the provisions they brought. Besides privateersmen, the

village was resorted to by interlope and negro traders from foreign ports; and it was reported, that some of the Barataria people were addicted to piratical pursuits. The violation of the laws of neutrality, the fiscal regulations and those against the importation of slaves, by the men of Barataria, though persisted in for a number of years, had not, till very lately, attracted the notice of the general or state government. Commodore Patterson had just received orders, from the secretary of the navy, to disperse those marauders, the schooner *Carolina* had been ordered to New-Orleans, for that purpose, and colonel Ross, of the forty-fourth regiment, had been directed to co-operate in this measure. These officers were now making preparations for this purpose.

On the thirty-first of August colonel Nichols, addressed a letter to Lafitte, the most influential individual at Barataria, informing him of his arrival at Pensacola, for the purpose of annoying the only enemy Great Britain had in the world, and called on him and his brave followers to enter into the service of Great Britain, in which he should have the rank of a captain, and lands would be allowed to them all, according to their respective ranks on a peace taking place.

An officer of the marine corps was despatched with this letter, and the commander of the king's ships at Pensacola, wrote also to Lafitte, referring him to captain Lockyer, of the *Sophia*, who was sent to convey Nichols' emissary. On the third of September, those letters were delivered to a brother of Lafitte, who was absent. He amused his visitors and encouraged them to hope he would come into their views, but asked the delay of a fortnight be-

fore he made his final determination known. He instantly sent to a merchant in New-Orleans, the letter he had received and Nichols' proclamation, with directions to communicate them to Claiborne, and deliver him a letter, in which Lafitte offered his services, and those of his people, to defend the part of the state he occupied, or be otherwise employed against the enemy; asking only that a stop might be put to the proscription of his brother, himself and their adherents, by an act of oblivion. He concluded with the assurance that, if his request was not granted, he would forthwith leave the state to avoid the imputation of having co-operated in an invasion of Barrataria.

Claiborne called together the principal officers of the army, militia and navy, and laid before them Lafitte's letter, and the papers he had received; they recommended, that he should not have any intercourse, or enter into correspondence with any of those people. Major general Villere and Claiborne were the only persons, at this meeting, who disapproved of the recommendation.

At the expiration of the delay, captain Lockyer came to the place indicated, to receive Lafitte's final answer, but being met by no one he returned.

Early in this month, the quota of the militia in the state, which had been ordered to be held in readiness, in consequence of a requisition of Jackson, who had succeeded Flournoy, in the command of the seventh military district, was directed by Claiborne to rendezvous in New-Orleans, to be organized and taken into the service of the United States.

Fort Boyer, the fortification which Wilkinson, after the Spanish garrison was driven out of Fort Charlotte,

at Mobile, had erected, on a point of land which commands the entrance of Mobile bay, was found a great obstacle to the operations of the British in Louisiana, and an effort was made, in the middle of September, to take possession of it.

Commodore Perry, with a flotilla of four vessels of war, in which he had brought Nichols and his troops to Pensacola, took on board thirteen hundred men, six hundred of whom were Indians; his ships had ninety-two pieces of heavy artillery. Major Lawrence, who commanded the fort, had a garrison of one hundred and thirty men and twenty pieces of cannon. Perry landed a part of his soldiers, who erected a battery, the guns of which and those of the ships, began at once a tremendous fire: but the fort was so gallantly defended and his own ship was so injured that he was obliged to set fire to her: the other three were so absolutely disabled, that the commodore took the men he had landed, on board, and sailed away, having had one hundred and sixty-two men killed and as many wounded.

On the eighteenth of September, the expedition that had been prepared, in New-Orleans, by commodore Patterson and colonel Ross, reached the settlement of Barrataria men; those people had abandoned it, as soon as they perceived the vessels, leaving a quantity of goods, that were saved; the houses were all destroyed.

On the return of the British flotilla, which had been repulsed before fort Boyer, the British were permitted to garrison the forts at Pensacola. Jackson, who was then at Mobile, determined on taking possession of that town, in order to deprive the enemy of a place of shelter and refuge. He accordingly assembled at

fort Montgomery, on the Alabama river, a body of about four thousand men, composed of regulars and militia from the state of Tennessee and Mississippi territory, and, soon after, led them towards Pensacola, and halted within two miles of the town, on the sixth of November.

Major Peire, an aid of Jackson, was now despatched with a communication to the Spanish governor, announcing to him, that the army of the United States did not approach with any hostile views to Spain, and had no object but to deprive the British, with whom they were at war, of a place of refuge, in which they prepared the means of annoying the inhabitants of the adjoining territory of the United States. He therefore required, that the governor should admit a garrison out of the army of the United States in fort St. Michael and that of the Barrancas, till a sufficient Spanish force, to enable the colonial government of Pensacola, to support the neutrality of the Catholic king's territory, should arrive. The major was fired on, although he approached alone, and bore a conspicuous white flag: he reconnoitred the fort and distinctly saw it occupied by British troops; the Spanish flag was displayed over it: but information was received that, on the preceding day, both the Spanish and British flags had been simultaneously hoisted.

Jackson, on the return of Peire, sent a letter to the governor, by a prisoner, demanding an explanation. A Spanish officer soon after arrived, with a letter from the governor, containing assurances of his having had no participation in the transaction complained of, and that if the communication was renewed the messenger would be received with due respect. Peire went in

accordingly, at midnight, and on Jackson's proposition being rejected, declared that recourse would be had to arms.

Accordingly on his return, on the seventh, three thousand men were marched in three columns, along the beach, in order to avoid the fire of fort St. Michael; but when in sight of the town, the artillery proving too heavy for the sand, the middle column was ordered to charge, and as soon as the head of it appeared in the principal street, a Spanish battery, of two pieces of cannon, was opened on it: it was immediately carried at the point of the bayonet, with the loss of eleven men killed or wounded; the Spaniards had one man killed and six wounded.

The governor now made his appearance, with a white flag in his hand, and being met by some officers, at the head of the troops, declared his intention to accept the proposition made to him. Jackson, on being informed of this, hastened to the house of the intendant, who assured him the town, arsenals, forts and munitions of war would be surrendered. On this, Jackson ordered hostilities to cease, and his troops to march out of town.

Notwithstanding the strong assurances of the governor and intendant, the forts were not surrendered. Jackson was making preparations to storm fort St. Michael, when the officer commanding it, lowered his flag and yielded the fortress, before a single blow was struck.

The troops were marching towards fort St. Charles, of the Barrancas, when the British blew it up, and retreated to their shipping, with some of their Indians. Those of the latter, who did not go on board, fled

across the country; the others were landed on the Apalachicola, and, immediately after, the vessels sailed away.

The American army, shortly after, returned to Mobile.

Wilkinson.—Eaton.—Latour.—Archives.—Gazettes.

CHAPTER XVI.

First session of the second legislature.—Jackson arrives at New-Orleans.—British fleet off Pensacola.—Capture of the flotilla of lake Borgne.—Barataria men join the army.—Proceedings of the legislature.—Generals Coffee and Carroll.—Major Hinds.—Embargo. Affair of the twenty-third of December.

THE second state legislature had began its first session on the tenth of November, 1814. The following extract from Claiborne's speech, shows how little foundation there was in the rumor, that circulated, of the disaffection of the inhabitants of Louisiana: "In the patriotic ardor, which pervades the state, I behold a pledge of its fidelity, and devotion to the American union. This ardor, this American spirit, has been tested by the facility with which the late requisition, for an auxiliary force of militia infantry, has been carried into effect, by the laudable zeal with which the volunteer cavalry and riflemen have pressed forward in their country's cause. In meeting the requisition, I am satisfied with the conduct of every officer, whose duty it was to co-operate; and I have noticed, with pleasure, the promptitude with which most of the regiments furnished their contingent. But, for the valuable services of the cavalry and riflemen, we are particularly indebted to the distinguished patriotism of the citizens of Feliciana and Attakapas. You cannot,

gentlemen, too highly appreciate the patriotic, the martial spirit which at present exists."

General Jackson reached New-Orleans on the second of December, and, on the next day, descended the river to view fort St. Charles, at Plaquemines, and other works which were projecting on the opposite bank. A committee of the legislature waited on him, with the copy of a resolution of that body, testifying, that the great and important services, lately rendered by him and the gallant army, under his command, entitled them to the thanks and gratitude of the general assembly.

Accounts were now received from Pensacola, that a very large naval force of the enemy was off that port, and it was generally understood New-Orleans was the object of the attack; eighty vessels were in sight, and more than double that number were momentarily looked for. There were vessels of all descriptions and a large body of troops. Admiral Cochrane commanded the fleet, and his ship the *Tonnant*, was off the port.

Lieutenant Jones, who commanded on lake Borgne, a flotilla consisting of five gun-boats and a schooner, was ordered to reconnoitre and ascertain the disposition and force of the enemy, and in case they should attempt, through this route, to effect a disembarkation, to retire to the Rigolets, the principal pass between lakes Borgne and Pontchartrain, and there, with his flotilla, make an obstinate resistance and contend to the last. He remained off ship island till the twelfth, when the enemy's force being much increased, he retired to a position near the Malheureux island, from whence, on his being attacked, he had a better opportunity of making his retreat to the Rigolets, where alone he was instructed to make opposition. This

pass and that of Chef Menteur, unite at the entrance of the lake, and form a narrow channel, on reaching which the gun-boats would be enabled to present as formidable an opposition, as could be made to all the force that could be brought against them, and put at defiance any effort that could be made against the city through that route.

On the thirteenth, Jones perceived the enemy's barges approaching him, and immediately weighed his anchors, with the design of reaching the Rigolets: but found this absolutely impracticable. A strong wind having blown for some days to the east, from the lake to the gulf, had so reduced the depth of water, that the best and deepest channels were insufficient to float his little squadron; the oars were resorted to, but in vain. Every thing that could be spared was thrown overboard; but this was also ineffectual. At last, a sudden tide brought a momentary relief, lifted the boats from the shoals, and Jones directed his course to the Rigolets, and came to an anchor at one o'clock on the next morning, in the west passage of the Mal-heureux island, and at day-break saw the pursuit had been abandoned.

There was, at the bay of St. Louis, some public stores, which he had sent the schooner Sea Horse, to bring off. The British barges made two vain attempts to capture this vessel. Her commander deeming it impossible to execute Jones' orders, destroyed the stores: and seeing the enemy returning in great force, blew up the schooner and retreated by land.

On the morning of the fourteenth, the enemy's barges were seen approaching the gun-boats: a retreat became impossible; the wind was entirely lulled, a perfect calm prevailed and a strong current setting to the gulf, rendered every effort, to reach the Rigolets,

unavailing, the resolution was taken to fight as long as there remained the hope of the least success. The line was formed, with springs on the cables. Forty-three barges, mounting as many cannon, with twelve hundred fine men, were advancing in an extended line, and came soon in reach; at half after eleven o'clock they commenced to fire, and the action immediately became general. Owing to a strong current setting out to the east, two of the boats were unable to keep their anchorage, and floated about one hundred yards in advance of the line. The enemy advanced in three divisions; the centre one bore down on the centre boat, commanded by the senior officer, and twice attempting to board, was twice repulsed, with an immense destruction of officers and men and the loss of two boats, which were sunk. Jones being too severely wounded to maintain the deck, the command devolved on Parker, who no less valiantly defended his flag, till his wounds compelled him to retreat, and the boat was soon after carried: another boat, though gallantly defended, was soon after taken and the guns of both turned on the others, which were compelled to surrender. The loss on board of the gun boats was ten men killed and thirty-five wounded: that of the British not less than three hundred. The Americans had five boats, one hundred and eighty-two men, and twenty-three guns. The force of the assailants has already been stated.

The loss of the gun boats left the enemy complete master of the lakes to the east of the island on which the city of New-Orleans stands, and gave him the facility of reaching it by any of the waters running easterly to any of these lakes.

The crisis appeared really alarming. The force in New-Orleans consisted only of seven hundred men of

the seventh and forty-fourth regiments of the United States, and one thousand state militia, besides one hundred and fifty sailors and marines. Three thousand men of the militia of Tennessee, under general Carrol, and a body of twelve hundred and fifty riflemen of the same state, under general Coffee, were looked for; and it was reported, a body of twenty-five hundred men from Kentucky, under general Thomas, were on their march; and it was deemed, that after leaving a sufficient part of the militia of the state in the different parishes to keep the slaves in awe, three thousand men might be brought to the defence of the city—making, with some aid from the Mississippi territory, a general total of about twelve thousand: but the enemy was much nearer to the city than three-fourths of this force.

Although the population of New-Orleans was composed of individuals of different nations, it was as patriotic as that of any city in the union. The creoles were sincerely attached to liberty and the general government: they had given a strong evidence of this, on their admission into the union, by the election of the governor, judges, and almost every other officer sent to them by the President of the United States. The Spaniards were very small in number, and a few of them might have been elated to see the flag of their nation raised in the country, but they had no sympathetic feeling for the British: the individuals of that nation who were not naturalised had retired into the interior. There were a few from almost every other European nation, but nothing was apprehended from them.

Claiborne was sincerely attached to the government of his country, and the legislature was prepared to call forth and place at Jackson's disposal all the resources of the state.

The disappointment of some, who had unsuccessfully struggled for ascendancy, had united them in opposition to Claiborne's measures. There were a few citizens of the United States of considerable talents and influence among them, many of whom had seats in the legislature; and hitherto, when no immediate danger seemed to threaten, had thrown some difficulty in the way of Claiborne on his attempt to bring a part of the militia into the service of the United States. The governor, who in 1806 had joined Wilkinson in the cry of spies and traitors, was disposed to consider his opponents as of that character.

Hall, the district judge of the United States, had become obnoxious to a few individuals; he had been from the beginning very strict in enforcing the laws of congress, and persons brought before him for breaches of the revenue, embargo or non-importation laws, had conceived the idea that he was extremely severe. Among the papers of Lafitte, which had been lately taken at Baratavia, had been found letters of several merchants, who had hitherto sustained a good character, affording evidence of their being accomplices of that man, and prosecutions had been instituted against some of them. The stern impartiality of the judge had induced a belief they had much to apprehend: the counsel, whom they had employed, were generally the opponents of Claiborne.

The want of an able military chief was sensibly felt, and notwithstanding any division of sentiment on any other subject, the inclination was universal to support Jackson, and he had been hailed on his arrival by all. There were some, indeed, who conceived that the crisis demanded a general of some experience in ordinary warfare; that one whose military career had begun with the current year, and who had never met

with any but an Indian force, was ill calculated to meet the warlike enemy who threatened: but all were willing to make a virtue of necessity, and to take their wishes for their opinions, and manifested an unbounded confidence in him. All united in demonstrations of respect and reliance, and every one was ready to give him his support. His immediate and incessant attention to the defence of the country, the care he took to visit every vulnerable point, his unremitted vigilance and the strict discipline enforced, soon convinced all that he was the man the occasion demanded.

Unfortunately he had been surrounded, from the moment of his arrival, by persons from the ranks of the opposition to Claiborne, Hall and the state government, and it was soon discovered that he had become impressed with the idea, that a great part of the population of Louisiana was disaffected and the city full of traitors and spies. It appears such were his sentiments as early as the eighth of September; for in a letter of Claiborne, which he since published, the governor joins in the opinion, and writes to him "I think with you that our country is full of spies and traitors." The governor was not unwilling to increase his own merit, by magnifying the obstacles he had to surmount: he therefore stated in his correspondence with Jackson every opposition he met with, and did not fail to represent every one, who did not think as he did, as inimical to the country. Those who immediately surrounded Jackson on his arrival, with a view to enhance his reliance on them, availed themselves of every opportunity to increase his sense of danger.

Time, which is the true test of the soundness of opinions, has shewn that the people of Louisiana deserved well of their country during the invasion, and that not one shadow of treason or disaffection appeared in them.

An instance, of what is called the machinations of foreigners, has been recorded. Colonel Coliel, a Spanish officer of the garrison of Pensacola, had an only daughter married to Lacroix, a wealthy planter, and was on a visit at his farm, a few miles below the city: in writing thence to one of his friends in Pensacola, he stated the weakness of the force the British would have to encounter in Louisiana, and expressed his belief of their success. This letter was intercepted and sent to Claiborne, who submitted it to the attorney-general. The latter thought there was no room for his interference, but gave it as his opinion, that in time of war, when an invasion was apprehended, the governor might send away any foreigner whom he suspected of any concert with the enemy. On this the colonel was ordered away, and obeyed. The communication between New-Orleans and Pensacola was open; there was no British force in the latter place, and the information conveyed was such as might have been had from any traveller. The colonel acted perhaps indiscreetly, but it is far from being clear he had any hostile view.

Jackson had Claiborne's assurance that the latter would receive and obey his orders, and support all his measures for the common defence.

The legislature was in session, since the beginning of the preceding month. We have seen that Claiborne, at the opening of the session, had offered them his congratulations on the alacrity with which the call of the United States for a body of militia had been met, which, with the detail of the proceedings of that body, is the best refutation of the charges which have been urged against them. It will shew, that in attachment to the union, in zeal for the defence of the country, in liberality in furnishing the means of it, and in minis-

tering to the wants of their brave fellow-citizens who came down to assist them in repelling the foe, the general assembly of Louisiana does not suffer by a comparison of its conduct with that of any legislative body in the United States. The assertion, that any member of it entertained the silly opinion, that a capitulation, if any became necessary, was to be brought about or effected by the agency of the houses, any more than by that of a court of justice, or the city council of New-Orleans, is absolutely groundless.

As early as the twenty-second of November, Louaillier, one of the members of the house of representatives for the county of Opelousas, whose name will be frequently mentioned in the sequel of the work, in a report, which he made as chairman of the committee of ways and means, had drawn the attention of the legislature to the necessity of their making suitable provision for the defence of the country. "Who," it is said in this document, "has not admired the patriotic ardor which was displayed in the execution of the works deemed, by the principal cities of the union and our sister states, necessary for the protection of such as could be assailed by the enemy? The magistrates, the citizens, the officers of the general government, manifested the utmost zeal to obtain the desired object—their safety and the ignominious retreat of the enemy were the glorious result of their efforts. How does it happen that such a noble example has not been followed in this part of the union? Are we so situated as to have no dangers to dread? Is our population of such a description as to secure our tranquillity? Shall we always confine ourselves to addresses and proclamations? Are we always to witness the several departments entrusted with our defence, languishing in a state of inactivity hardly to be excused, even in the

most peaceable times? No other evidence of patriotism is to be found than a disposition to avoid every expense, every fatigue—nothing as yet has been performed; it is the duty of the legislature to give the necessary impulse, but it is only by adopting a course entirely opposite to that which hitherto has been pursued, that we can hope for success—if the legislature adds its own indolence to that which generally prevails, we can easily foresee that ere long, a capitulation, similar to that obtained by the city of Alexandria, will be the consequence of a conduct so highly culpable.

A considerable force is now assembled under the orders of general Jackson, which will speedily receive large reinforcements from the militia of the western states, but it is nevertheless true that the principal avenues to our capital are not in a situation to insure its preservation; and that unless we are determined to provide for its safety ourselves, unless we act with a promptness and energy equal to the torpor which seems to have invaded the principal branches of our government, that force will only be employed in retaking this territory, which must fall an easy prey to the first efforts of an invading foe; the legislature has been convened for the purpose of raising a fund adequate to the expenses necessary to ward off the dangers by which we are threatened—this is the object which must be accomplished—little does it matter whether this or that expenditure ought to be supplied by the general or by the state government, let us not hesitate in making such as safety may require; when this shall have been secured, then our claims to a reimbursement will be listened to."

On the same day, Roffignac, the chairman of the committee of defence, presented a plan, which was directed to be communicated to Claiborne, for the information of Jackson.

Commodore Patterson having, on the seventh of December, suggested a plan of defence against any attempt of the enemy to ascend the Mississippi, the legislature, after having ordered it to be laid before Jackson, directed the committee of defence to ascertain what number of men, and the quantity of ordnance and other arms, the commanding officers of the land and naval forces would require, that it might be known what was to be supplied by the state.

On the thirteenth, the sum of seventeen thousand dollars, the remaining part of twenty thousand, which Claiborne had borrowed during the recess of the legislature, for the defence of the country, on account of the state, was directed to be applied, under the orders of Jackson, in procuring materials and workmen for the completion of such batteries and other fortifications as he had directed, and a further sum of eleven thousand dollars was appropriated to the same object.

Claiborne was at the same time requested to recommend it to the planters of the parish of Orleans and the neighbouring ones, to place immediately as many of their working hands as they could spare at the disposal of Jackson, to be employed on these fortifications—a requisition which was complied with so generally, that more hands were sent than could be employed.

At the suggestion of Patterson and Jackson, Claiborne proposed to the legislature, on the following day, the suspension of the writ of *habeas corpus*, in order to enable the commodore immediately to press hands for the service of the United States, and the general, in case the enemy landed, to apprehend and secure disaffected persons.

Great doubts were entertained by the legislature, whether any person arrested by the commanding officers of the land and naval forces of the United States,

could be relieved on writs of *habeas corpus* issued by a state court or judge, and they knew, from the firmness and inflexibility which Hall, the district judge of the United States, had manifested in 1806, that he would not consider himself relieved from the obligation of affording relief to the meanest individual, in whose favor a writ of *habeas corpus* was applied for, till congress itself decreed a suspension of it. Wilkinson had disregarded the writs of territorial judges, but had not dared to disobey those of Hall, who he knew would not suffer it to be done with impunity.

Coming from every part of the state, the representatives had witnessed the universal alacrity with which Jackson's requisitions for a quota of the militia of the state had been complied with; they knew their constituents could be depended on; they knew that Jackson, Claiborne, and many of the military, were incessantly talking of sedition, disaffection and treason; but better acquainted with the people of Louisiana, than those who were vociferating against it, they were conscious, that no state was more free from sedition, disaffection and treason, than their own; they thought the state should not outlaw her citizens, when they were rushing to repel the enemy. They dreaded the return of those days, when Wilkinson filled New-Orleans with terror and dismay, arresting and transporting whom he pleased. They recollected that in 1806 Jefferson had made application to congress for a suspension of the writ of *habeas corpus*, but that the recommendation of the president was not deemed sufficient to induce the legislature of the union to suspend it: that of Claiborne, as far as it concerned Jackson, was not therefore acted on. The members had determined not to adjourn

during the invasion, and thought they would suspend the writ, when they deemed the times required it, but not till then.

Louaillier, in his report, as chairman of the committee to whom was referred the consideration of suspending the writ, in order to enable Patterson to impress seamen, considered the measure as inexpedient. The committee thought the country would be ill defended by men *forced* into her service—that it was better to induce sailors, by the offer of ample bounties, to repair on board of the ships of the United States, than forcibly to drag them on board. A sum of six thousand dollars was therefore placed at the disposal of the commodore, to be expended in bounties; and to remove the opportunity of seamen being tempted to decline entering the service of the United States, by the hope of employment on board of merchant vessels, an embargo law was passed.

On the requisition of Jackson, Claiborne issued a proclamation for calling out the militia of the state *en masse* into the service of the United States. His call was obeyed every where with promptness and alacrity: they were ordered to hold themselves in readiness to march at a moment's warning.

On the sixteenth of December, Claiborne sent a message to the legislature, stating that the time was certainly inauspicious for that cool and mature deliberation necessary to the formation of good laws—that the enemy menaced the capital, and how soon he would effect his landing was uncertain—every hand should be raised to repel him, and every moment occupied in arranging and completing means of defence: he therefore suggested the expediency of the houses adjourning for twenty or twenty-five days.

The house of representatives concurred with the report of their committee, who considered an adjourn-

ment at the present crisis as inexpedient. They thought that it might be highly dangerous: accidents might happen, unforeseen cases might occur, in which the interference of the legislature might be necessary. Should this happen after the adjournment, and the state be thereby endangered, the members should incur the just reproaches of their constituents. Should the houses adjourn for the proposed period, few members would have time to leave the city, and if they did, their mileages would exceed their expenses, if they continued their sitting. The committee therefore recommended, that the members stay at their post, ready, on any emergency, to contribute, as far as in them lay, to the defence of the country.

The suspension of the writ of *habeas corpus*, and adjournment of the houses, were measures which Jackson anxiously desired. There was a great inclination in the members of both houses to gratify him, in every instance in which they could do it with safety: in these two only, they were of opinion it would be unsafe to adopt his views.

He now issued a general order, putting the city of New-Orleans and its environs under strict martial law, and directed that

1. Every individual entering the city, should report himself to the adjutant-general's office, and on failure be arrested and held for examination.

2. None should be permitted to leave the city or bayou St. John, without a passport from the general or some of his staff.

3. No vessel, boat or craft, should leave the city or bayou St. John, without such a passport, or that of the commodore.

4. The lamps of the city to be extinguished at nine o'clock, after which, every person found in the streets

or out of his usual place of residence, without a pass or the countersign, to be apprehended as a spy and held for examination.

The proclamation of martial law was understood in Louisiana, as it is believed to be in the other states, a solemn warning that the martial law of the United States would be strictly enforced. Martial law was known to be that system of legitimate rules by which the martial affairs of the nation are regulated. It was not imagined that the President of the United States himself, as commander in chief of the forces of the union, could add aught to or change these legitimate rules; that he could make *martial* law, any more than *fiscal*, *commercial* or *criminal* law.

The collection of the rules by which the conduct of the citizens of a nation in time of peace towards all belligerent nations is regulated, are called the laws of neutrality.

When Washington found that the sympathies of his fellow-citizens with the French nation, might tempt some of them to violate the laws of neutrality, to the injury of the British nation, with which his was at peace, he issued a proclamation, reminding them of their obligations and warning them of the consequences those should expose themselves to, who would violate the laws of neutrality. This was not an useless ceremony. It no doubt had the effect of preventing breaches of those laws. In 1806, when a spirit of enterprise seemed likely to delude some of the citizens of the United States into measures that might involve this country in a war with Spain, Jefferson, actuated by the same motives of Washington, issued a proclamation of the laws of neutrality. It was not considered that a proclamation of martial law could add any thing to that law, any more than

the proclamation of the laws of neutrality by Washington and Jefferson add to these laws. To enact and to proclaim or impose a law, were thought distinct acts, the first the province of the legislature, the other the exclusive right of the executive power.

That necessity *justifies* whatever it commands, was admitted as a principle to which every law must bend. That whatever measure became *necessary* to the defence of the country, might be legitimately enforced, was admitted, and we have seen that the attorney-general had given out as his opinion to Claiborne, that the governor of a place, in time of war, might send out of the country a person attempting any thing which might afford aid to the enemy. This principle was known to result from *martial* law, which justifies whatever circumstances require for the defence of the country or to annoy the foe. It was known to be independent of the *proclamation* of martial law, which was thought to add nothing to the authority of ~~the officer who made it~~—to render any thing whatever lawful or unlawful, ~~that was otherwise before.~~

Such were the ideas entertained by the general government of martial law. "In the United States," said the secretary of war (Dallas) in a communication to Jackson, of the first of July, 1815, "there exists no authority to declare or impose martial law, beyond the positive sanction of the act of congress. To maintain the discipline and ensure the safety of his camp, an American commander possesses indeed highly important powers: but all these are compatible with the rights of the citizen, and the independence of the judicial authority."

A number of individuals who had heretofore joined, or been concerned with the privateers lately re-

sorting to Baratavia, were deterred from entering into the service of the United States, by the apprehension of prosecutions. With the view of quieting their fears, the legislature, on the seventeenth, entered into resolutions requesting Jackson to endeavour to procure an amnesty, in favour of such of them as should enlist themselves to serve during the war, and earnestly recommended it to the President of the United States, to grant them a full pardon. The governor was at the same time desired to endeavour to prevail on the attorney of the United States, with the leave of the court, to enter *nolle prosequis* on all prosecutions against such persons then under confinement, on the above condition. This measure was adopted, because it was represented to the houses that Jackson was anxious for it. A number of members had strong objections to it, deeming it improper to accept the services of persons of this description. Claiborne having issued a proclamation, to make the intention of the legislature in this respect known, a considerable number of these people came in, and were enrolled.

The crisis obliging every one to take up arms, to quit their homes and abandon their private affairs, in a manner that exposed many to great inconvenience, the legislature passed an act forbidding the protest of any bill or note till the expiration of four months, and forbade during the same period the institution of any suit.

On the nineteenth general Carrol, with a brigade of the militia of the state of Tennessee, consisting of twenty-five hundred men, arrived, and on the following day he was joined by general Coffee and twelve hundred riflemen from the same state.

The legislature, on the motion of Louaillier, appointed a committee, at whose disposal they placed

a sum of two thousand dollars, for the relief of the militia of the state, seafaring men and persons of colour, in the service of the United States. The committee were instructed to invite their fellow-citizens to make donations of woollen clothes, blankets, and such other articles as, in case of an attack, might be useful to the sick.

At this period the forces at New-Orleans amounted to between six and seven thousand men. Every individual exempted from militia duty, on account of age, had joined one of the companies of veterans, which had been formed for the preservation of order. Every class of society was animated with the most ardent zeal: the young, the old, women, children, all breathed defiance to the enemy, firmly disposed to oppose to the utmost the threatened invasion. There were in the city a very great number of French subjects, who from their national character could not have been compelled to perform military duty: these men, however, with hardly any exception, volunteered their services. The chevalier de Tousac, the consul of France, who had distinguished himself and had lost an arm in the service of the United States, during the revolutionary war, lamenting that the neutrality of his nation did not allow him to lead his countrymen in New-Orleans to the field, encouraged them to flock to Jackson's standard. The people were preparing for battle as cheerfully as if for a party of pleasure: the streets resounded with martial airs: the several corps of militia were constantly exercising, from morning to night: every bosom glowed with the feelings of national honor: every thing shewed nothing was to be apprehended from disaffection, disloyalty or treason.

On the twenty-first, major Villere, by order of major-general Villere, his father, sent a detachment of

the third regiment of the militia, consisting of eight men and a sergeant, attended by two mulattoes and a negro, to a village of Spanish fishermen, on the left bank of bayou Bienvenue, at the distance of a mile and a half from its mouth on lake Borgne. The village, in which from thirty to forty fishermen dwelt, was found deserted by them, with the exception of a sick man. The sergeant sent out a few of his men in a boat, to ascertain whether there was any of the enemy's shipping near; on the next day, at day-break, another party was sent out for the same purpose, and other parties were frequently out during the day, without discovering any vessel or craft approaching. Towards evening, three men arrived from Chef Menteur, having traversed the lake without seeing any enemy.

A little after midnight, the sentinel below the village gave the alarm: by the last gleams of the setting moon, five barges full of men, with some artillery, were discovered ascending the bayou. The sergeant judging, from the smallness of his party, it would be imprudent to fire, ordered them to conceal themselves behind one of the cabins. They were, however, discovered and taken, except a man, who attempting to escape through the prairies, lost his way, and reached Chef Menteur, after a ramble of three days.

The first division of the British army, composed of about three thousand men, under general Kean, proceeded up the bayou and the canal of Villere's plantation: they surrounded the house, in which was a company of militia, whom they made prisoners, and surprised major Villere, who, notwithstanding several pistols fired at him, effected his escape, and running to some distance below, crossed the river and reached the city.

Jackson received the first intelligence of the enemy's landing at two o'clock, and in half an hour a detachment of artillery, with two field pieces, and a body of marines, were sent in advance. Generals Carrol and Coffee, who were encamped with the force of Tennessee four miles above the city, soon reached it, and at four o'clock the Tennessee riflemen, Mississippi dragoons and Orleans riflemen took their stations two miles below the city. The battalion of men of colour, the forty-fourth regiment, and a battalion of the city militia, soon followed; and commodore Patterson, on board of the United States' schooner Carolina, floated down towards the enemy.

Glaiborne, with two regiments of the state militia, and a company of horse, took a position in the rear of the city, on the Gentilly road, to oppose any force that might come from Chef Menteur.

A negro was apprehended on the levee, a few miles from the city, with a number of copies of a proclamation by Admiral Cochrane and general Keane, inviting the Louisianians to remain quiet in their houses, and assuring them, that their property would be protected, the invaders being at war with the Americans only. As the army proceeded, several copies of this proclamation were seen stuck up along the road.

At seven o'clock, the Carolina came to anchor on the bank of Villere's batture, opposite to the centre of the enemy's encampment, within musket shot. Such was their security, that taking this vessel for a common craft plying on the river, a number of them came to the levee to examine her more closely. She now began so dreadful a fire, that one hundred of them were killed before the consternation which her salute created subsided. An unsuccessful at-

tempt was made to annoy her with a fire of musketry; Congreve rockets were resorted to with as little success, and in less than half an hour, the schooner drove the enemy from his camp.

At this moment colonel Piatt drove in one of the enemy's outposts from the main road, opposite to Lacoste's plantation.

In the meanwhile the seventh regiment advanced by heads of companies, to the distance of one hundred and fifty yards, where it formed in battalion before the enemy, with whom it instantly engaged, with a very brisk and close fire. The forty-fourth now came up, and forming on the left of the seventh, commenced firing. Two pieces of artillery were put in battery on the road, and the marines drawn up on the right, on the bank of the river. The engagement now became general on both sides. The front of the British line greatly outflanking our line on the left, and the enemy seeing he could not make our troops give way, caused some of his to file off on the old levee, by a gate three hundred yards from the river, with the intent to turn our right flank. The forty-fourth had already been obliged to oblique on the left, in order to avoid being flanked, when two battalions of the state militia and a few Indians advanced. The enemy's column silently approached in the dark, to turn the troops of the line, fell suddenly almost within pistol shot of the extremity of one of the battalions of militia, and instantly commenced a brisk fire. One of these battalions, forming the centre, advanced in a close column and displayed under the enemy's fire, which was then kept up by his whole front. Already had the enemy been forced to give way, and our troops continued to advance, keeping up a brisk fire, when he began to

retreat, favoured by darkness, now increased by a fog and by the smoke, which a light breeze blew in the faces of our men.

In the mean time, Coffee's division had advanced, in order to fall on the enemy's rear, followed by a company of riflemen of the state militia: this company, after having penetrated into the very camp of the enemy and made several prisoners, pushed forward to the right, following the movements of Coffee, but unfortunately part of them, through a mistake occasioned by the darkness, fell among a corps of one hundred and fifty British, who were moving on rapidly towards the camp, mistaking them for part of Coffee's division, and were made prisoners. Coffee soon took a position in front of the old levee, where he continued a destructive fire.

At half past nine, the enemy fell back to his camp, where all the troops passed the night under arms and without fire.

Jackson, finding that darkness rendered it useless to continue the pursuit, led back his troops to their former position.

At about half after eleven, a firing of musketry was heard in the direction of Jumonville's plantation, that contiguous to and below Villere's.

A detachment of three hundred and fifty men, of the state drafted militia, had been stationed at the English Turn, under general Morgan. On the first intelligence of the landing of the enemy, these men insisted on being instantly led to oppose him. Morgan, being without orders from Jackson, on this head declined gratifying them. But when the fire from the Carolina, and the subsequent discharges of artillery and musketry on shore, announced that the conflict was commenced, the entreaties of the offi-

cers and men of this detachment became so pressing, that Morgan could no longer resist them. He had reached, at the head of them, the spot at which the road that leads to Terre aux beufs leaves that which runs along the levee, during the hottest part of the action, and continued to advance, preceded by two pickets, the one on the high road, the other in the fields, near the woods. The former, as it approached the bridge of Jumonville's plantation, exchanged a fire with some of the enemy's troops, who instantly fell back behind the canal. Darkness preventing Morgan to ascertain the force of the enemy near him, or the relative situation of the two armies, he took a position in a neighboring field, to avoid an ambush. In a council, to which he called all his officers, it was deemed inexpedient to remain, and the detachment moved back a little before day-light.

The enemy, who had received a reinforcement during the action, had a force of very near five thousand men: that which opposed him, was not much above two thousand. His loss exceeded four hundred: Jackson had twenty-four men killed, one hundred and fifteen wounded, and seventy-five made prisoners.

During the night, whilst anxiety kept the mind of the inhabitants of New-Orleans, who had remained in the city, in painful suspense, on their impending fate, an unfortunate occurrence excited much alarm among them. A report was spread that Jackson, before his departure, had taken measures and given positive orders for blowing up the magazine and setting fire to various parts of the city, in case the British succeeded in forcing his ranks. His conduct, in this respect, was considered by some, as an evidence of his deeming his defeat a probable

event. The old inhabitants, who had great confidence in the natural obstacles, which the situation of the capital presents to an invading foe, and which they thought insurmountable, if proper attention was bestowed, concluded that it had been neglected: they lamented that the protection of the city had been confided to an utter stranger to the topography of its environs, and while frequent explosions of musketry and artillery reminded them that their sons were facing warlike soldiers, they grieved that the commander was an officer, who, in the beginning of the year had hardly ever met any but an Indian enemy, and whose inexperience appeared demonstrated by the rash step attributed to him. The truth or falsity of the report was sought to be ascertained, by an application to the officer left in command at the city, who declined to admit or deny that the steps had been taken, or the order given.

A circumstance tended to present the conflagration of New-Orleans as a more distressing event than that of Moscow. The burning of the houses of several planters, above the city, in 1811, was remembered, and apprehension had been entertained, that British emissaries would be ready, a short time before the main attack, to induce the slaves towards Baton Rouge or Donaldsonville, to begin the conflagration of their owners' houses, and march towards the city, spreading terror, dismay, fire and slaughter; and a dread prevailed, that Jackson's firing of the city would be taken by them for the signal at which they were to begin the havock—even in case the apprehensions from British emissaries were groundless. The idea of thus finding themselves, with their wives, children and old men, driven by the flames of their houses towards a black

enemy, bringing down devastation, harrowed up the minds of the inhabitants.

Persons, however, who hourly came up from the field of battle, brought from time to time, such information as gradually dispelled these alarms, and in the morning a sense of present safety inspired quite different sensations, and the accounts which were received of Jackson's cold, intrepid and soldierlike behaviour, excited universal confidence.

Wilkinson.—Eaton.—Latour.—Archives.—Gazettes.

CHAPTER XVII.

Jackson establishes a line of defence.—Morgan crosses the river with his detachment.—Destruction of the Carolina.—Action of the 28th of December.—The legislature prevented from sitting.—Affair of New Year's day.—Both armies reinforced.—Battle of the Eighth of January.—British operations on the right bank of the Mississippi.—Suspension of hostilities.—Armistice.—Bombardment of Fort St. Phillip.—Retreat of the British army.

AT four o'clock, on the morning of the twenty-fourth, Jackson ordered his small army to encamp on the left bank of Rodriguez's canal, about two miles below the field of battle, leaving the Mississippi mounted riflemen and Feliciana dragoons near it, to watch the motions of the enemy. The canal was deepened and widened, and a strong wall formed in front of it, with the earth which had been originally thrown out. The levee was broken, about one hundred yards below, and a broad stream of water passed rapidly over the plain, to the depth of about thirty inches, which prevented the approach of troops on foot.

Embrasures were formed in the wall, and two pieces of artillery placed so as to rake the road which runs along the levee.

Morgan was now directed to send a strong detachment from the English Turn, who advanced as near as they could towards the enemy's camp, and destroyed the levee, so as to let in the water of the Mississippi, whereby the British army was completely insulated, and its march above and below obstructed.

On the twenty-sixth, Jackson, fearing for the situation of Morgan, who, as the British occupied the intermediate space, was entirely detached from his camp, ordered him to abandon his position, carry off such of the cannon as he conveniently could, and throw the remainder into the river, from whence they might be recovered when the water subsided; to cross the stream, and take and fortify a position opposite to the American lines.

The height of the Mississippi and the discharge of water through the openings made in the levee, had given an increased depth to the canal through which the enemy had come: this enabled them to advance their boats much nearer to their encampment, and to bring up a new supply of artillery, bombs and ammunition.

Early on the twenty-seventh, a battery was discovered on the bank of the Mississippi, which had been erected during the previous night, from which a fire was now opened on the Carolina, which was lying near the opposite shore. The repeated discharges of bombs and red hot shot from this battery were spiritedly answered, but without effect, there being on board but one long twelve pounder that could reach. A red hot shot was lodged under her cables, from which it could not be removed, and soon set her in a blaze. Another discharge extended the ravages of the devouring element, and flames began to burst from numberless places. Orders were now given to

abandon her: one of the crew was killed and six wounded; the rest reached the shore in safety, and soon after the fire reached the magazine and the vessel was blown up.

The battery's fire was now directed against the sloop of war *Louisiana*, which lay at some distance higher up, the preservation of which was the more important, as she was the only public vessel remaining on the river. She was accordingly towed up, out of the reach of the enemy's guns.

In the afternoon the British moved forward, and obliged Jackson's advanced guard to fall back, and during the night they began to erect several batteries on the river.

By break of day, the enemy displayed in several columns, and drove in the advanced guards. He now advanced, preceded by several pieces of artillery, part of which played on the *Louisiana*, and the rest on Jackson's line.

The *Louisiana* now opened a tremendous and well directed fire on the assailants, which was at first briskly answered, but her guns and those of the line soon silenced the enemy's, broke his columns and forced him to disperse and fall back into the fields, where he took a position, beyond the reach of the *Louisiana* and Jackson's artillery. His loss was estimated at from two to three hundred men: seven were killed and ten wounded on the American line, and one man slightly wounded, by the bursting of a shell on board of the *Louisiana*.

The legislature had ceased to sit, on the first intelligence of the arrival of part of the British army on Villere's plantation. Several of the members held commissions in the militia, and had joined their respective corps: the younger had volunteered their services, and

the aged joined the several companies of veterans, which had been organised for the maintenance of order in the city and its suburbs. Several were attending a military committee, and others, appointed by the legislature, to superintend the supply of the wants of indigent families, whose heads were on the line, and to provide succour for those who daily reached the city to assist in its defence. The apprehension from the black population, which had been excited by the rumour of Jackson's intention to fire the city, had induced a few respectable individuals from the country, who possessed influence in their respective parishes, and whose age and habits disqualified them from active military service, to visit those neighborhoods, in order to contribute, by their presence, to the general maintenance of order. The city council were active in providing means for the support of the needy, and Girod, the mayor, was incessantly engaged in collecting arms and in driving stragglers to the field. Never was an army more abundantly supplied with provisions—the calls of Jackson for negroes to work on his line, for tools and munition, were instantly attended to.

Every day, towards noon, three or four of the members of each house, who served among the veterans or on the committees, attended in their respective halls to effect an adjournment, in order that, if any circumstance rendered the aid of the legislature necessary, it might be instantly afforded. On going for this purpose to the government house, Skipwith, the speaker of the senate, and two of its members, found a sentinel on the staircase, who, presenting his bayonet, forbade them to enter the senate chamber. They quietly retired and proceeded to the hall of the sessions of the city council, where an adjournment took place. The

members of the other house, who attended for the same purpose, were likewise prevented from entering its hall, and acted like those of the senate.

An unsuccessful attempt, notwithstanding great exertions were used, was made on the thirtieth to obtain a quorum, and the next day it failed in both houses. The crisis had so scattered the members, that those who assembled found themselves obliged to send the sergeant at arms and other messengers to require the attendance of the absent members. With great difficulty, a quorum was obtained in each house, late in the evening, and a joint committee was appointed, to wait on Jackson and enquire into the reasons that had occasioned the violent measures, resorted to against the legislature.

This committee, having performed this service, received from the general a written statement, in the following words:

CAMP AT M'CARTY'S, 4 MILES BELOW NEW-ORLEANS.

Head-Quarters, Decembér 31, 1814.

The Major-General commanding has the honor to acknowledge the receipt of the joint resolution of both houses of the hon. the legislature of the state of Louisiana, now in session, dated the 30th inst. and communicated to him by a joint committee of both houses, to which the general gives the following answer:

That just after the engagement between the British and American armies had commenced on the 28th inst. when the enemy was advancing, and it was every instant expected they would storm our lines; as the general was riding rapidly from right to left of his line—he was accosted by Mr. Duncan, one of his volunteer aids, who had just returned from New-Orleans; observing him to be apparently agitated, the general stopped, supposing him the bearer of some informa-

tion of the enemy's movements, asked what was the matter. He replied, that he was the bearer of a message from governor Claiborne, that the assembly were about to give up the country to the enemy. Being asked if he had any letter from the governor, he answered in the negative. He was then interrogated as to the person from whom he received the intelligence; he said it was from a militia colonel; the general enquired where this colonel was, that he ought to be apprehended, and if the information was not true, he ought to be shot, but that the general did not believe it. To this Mr. Duncan replied, that the colonel had returned to New-Orleans, and had requested him, Mr. Duncan, to deliver the above message.

The general was in the act of pushing forward along the line, when Mr. Duncan called after him and said, "the governor expects orders what to do." The general replied, that he did not believe the intelligence; but to desire the governor to make strict enquiry into the subject; and if true, to blow them up. The general pursued his way, and Mr. Duncan returned to the city. After the action, Mr. Duncan returned, and on the general's stating to him the impropriety of delivering such a message publicly in the presence of the troops, as well as the improbability of the fact, he excused himself by the great importance of the intelligence, and then, for the first time, the general heard the name of colonel Declouet, as Mr. Duncan's author.

The above statement, the general gives as a substantial one, of the matter referred to in the resolutions of the senate and house of representatives; and to this he adds, that he gave no order to the governor to interfere with the legislature, except as above stated.

ANDREW JACKSON,
Maj. Gen. Comm'dg.

This statement clearly shows, that Jackson did not believe, that the general assembly had the least thought of offering terms to the enemy—and that the violence exercised against them, was the effect of a real or pretended misunderstanding of what he had said.

Duncan, on his examination, before a committee of the houses, stated, that soon after the beginning of the attack, he met Col. Declouet, who was hastening from the city, apparently in great perturbation, who requested him to inform the general of the existence of a plot, among several members of the legislature, to surrender the country to the enemy, and that he had heard, that Jackson was carrying on a Russian war, and it was better to capitulate and save the city; that he had been invited to join in the plot. Duncan added, that Declouet did not say he was sent by Claiborne, and that, as far as he recollected, Jackson's order was to tell Claiborne to enquire into the matter, and in case they (the legislature) made any such attempt, to blow them up; and afterwards, he (Duncan) meeting one of Claiborne's aids, directed him to inform the governor, the general wished him to prevent the legislature from assembling.

Declouet stated, that on the night between the twenty-seventh and twenty-eighth, he slept at his brother's, below the city, and noticed the consternation of several of the inhabitants, and conversed with several members of the legislature, who apprehended direful consequences from the war. Hence, he feared a proposition would be made by the legislature to capitulate, which would occasion a disastrous division in the country. In the morning, he set off with the view of communicating his apprehensions to Jackson, but as he did not reach the line till after the beginning of the attack, he requested Duncan to make his communica-

tion to the general. He added, no member of the legislature had manifested to him an intention of doing any thing positive. The step he took, was grounded on the apprehensions he entertained—apprehensions which he never would have had, if he had been acquainted with the good intentions and beneficent views of the legislature.

Jackson's biographers have seized on this event, a most erroneous account of which they have given, to blazon his character, to the injury of the state of Louisiana.

Eaton, who cannot be supposed to have wanted the best means of information, assures his readers, that Jackson was apprehensive of a design in the general assembly to propose a capitulation to the enemy, and intended to have had them confined in the government house. By placing the statement of Jackson side by side with Eaton's, the reader will be conscious of the gross error under which Eaton must have laboured:

"Jackson's object," says Eaton, "was not to restrain the legislature in the discharge of their official duties; for, although he thought, that such a moment, when the sound of the cannon was constantly pealing in their ears, was inauspicious to wholesome legislation, and that it would have better comported with the state of the times for them to abandon their civil duties and appear in the field, yet it was a matter indelicate to be proposed; and it was hence preferred, that they should adopt whatever course might be suggested by their own notions of propriety. This sentiment would have been still adhered to; but when, through the communication of Mr. Duncan, they were represented as entertaining opinions and schemes, adverse to the general interest and safety of the country, the necessity of a new and different course of conduct was at once

obvious. But he did not order governor Claiborne to interfere with, or prevent them from proceeding with their duties; on the contrary, he was instructed, so soon as any thing hostile to the general cause should be ascertained, to place a guard at the door, and keep the members to their post and to their duty. My object in this, remarked the general, was, that then they would be able to proceed with their business without producing the slightest injury: whatever schemes they might entertain would have remained with themselves, without the power of circulating them to the prejudice of any other interest than their own. I had intended to have had them well treated and kindly dealt by; and thus abstracted from every thing passing without doors, a better opportunity would have been afforded them to enact good and wholesome laws; but governor Claiborne mistook my order, and instead of shutting them in doors, contrary to my wishes and expectation, turned them out."

The other writers, who have preserved details of the events of these days, have all fallen into great mistakes, and Jackson himself appears to have been egregiously deceived. One of his letters to the post master general, of the 22d of March, 1824, which found its way into the public prints, contains the following paragraph:

"When I left the city, and marched against the enemy on the night of the 23d of December, 1814, I was obliged to leave one of my aids in command, having no other confidential officer that could be spared from command. A few days after, Mr. Skipwith, in person, applied to my aid to be informed what would be my conduct, if driven from my lines of defence and compelled to retreat through New-Orleans—whether I would leave the supplies for the enemy or destroy

them? As reported by my aid to me, he wanted this information for the assembly, that in case my intention was to destroy them, they might make terms with the enemy. Obtaining no satisfaction from my aid, a committee of three waited on me for satisfaction on this subject. To them I replied, "If I thought the hair of my head knew my thoughts, I would cut it off or burn it"—to return to their honorable body, and to say to them from me, that if I was to be so unfortunate as to be driven from the lines I then occupied, and compelled to retreat through New-Orleans, they would have a warm session of it."

These charges were noticed by Skipwith, in a letter to Jackson of the thirteenth of May, 1827, which appeared in the *Richmond Enquirer*, in the following manner:

"It was on one of the nights, about the time alluded to by Maj. Butler, that, returning from patrol duty from the grand round of the city, in passing and seeing lights in the house of Mrs. F——, an old and much respected acquaintance of mine, and a great admirer of yours, I called in to pay her my respects, and found with her another very interesting lady, Mrs. E——, who in the course of her conversation mentioned a report, as circulated in the city, and I think she said, by some Kentuckians just from your lines of defence, that, if forced, you would destroy, rather than see, the city fall into the hands of the enemy. A day or two after, at the request of the military council of the city guards, of which I was a member, I waited on Maj. Butler concerning a citizen under arrest, and not directly, nor indirectly, charged with any thing concerning that report; and being asked by him, "If there was any thing new in the city," I remember replying, that such was the report "among women." Conscious,

general, of having through life treated the names and characters of married ladies with the most scrupulous caution and respect, I cannot believe that I mentioned the names of the two ladies, between whom I heard the report: and never having, at any time attached to it, myself, either belief or importance, I could not have made it a subject of serious communication, to the senate, to the military council, or to any member, individually, of them. I am willing, therefore, to rest the truth of my assertions, in repelling this most slanderous and bolstered charge of yours, and consequently its utter falsehood, as far as it criminales my conduct and views, on the testimony not only of the remaining individuals, who composed the senate and the military council; but on the testimony of any two, or three, remaining individuals in society, who were eye witnesses of my conduct at the invasion of New-Orleans, and whose oaths would be respected, by a well composed jury of their vicinity.

I may well, then, sir, pronounce this last charge of yours to be false, utterly false! as applying to me individually, or to the senate over which I presided, or to the military council of which I was a member, or, that the most distant hint, or wish, was ever expressed in any of their deliberations, or in private, by any one of their members, with my knowledge or within my hearing, "to make terms with the enemy." And more false, if possible, is it still, that "the legislature should, with my consent or connivance, depute a committee to wait on you on that subject," or on any other, during the invasion, in which I had any agency, that was not founded, in my humble estimation at least, on principles of patriotism and honor. I may, therefore, hope to find indulgence in every honest breast, for having expressed, in some degree, the profound contempt,

which this charge so justly merits, and which it is impossible for me with life, to cease to feel."

Thibodaux, then a member of the senate, who afterwards exercised, as president of that body, the functions of chief magistrate of the state, on the resignation of governor Robertson, expressed his indignation on the subject, in a letter to Skipwith, on the 10th of September, 1827.

"The notorious," said he, "ungenerous and unmerited accusation, which has been cast upon the whole legislature of Louisiana, and particularly upon the senate, by Gen. Jackson, in his published letter to the post-master general, in order to defeat your pretensions, as a candidate in opposition with his favorite Mr. Crogan, is, in my humble opinion, such as ought to be taken up and repelled with the indignation it really deserves. This charge was not laid upon you alone, but it embraces the whole senate. Could you not, sir, as being then the president of that honorable body, could you not, with propriety, call upon the members who were sitting with you, and prevail upon them to join in clearing, through the same medium that was made use of, those shameful stains with which that body has been stigmatised? And would it not be but fair, if this infamous calumny was recoiled towards its source and against its very author? A supine silence appears to operate on the part of the members of the general assembly, as a conviction of the truth of the accusation; and this opinion, as you may know yourself, is circulating in the public, by the exertions of the general's friends.

"I beg leave to be excused, for attempting to suggest the right course you have to follow; these are the dictates of a heart indignantly offended, at the rash attack of the general, and although it does not fall upon

me directly, (for you will recollect I was on active military service,) it rebounds upon me very heavily, and wounds me to the very heart's core."

The journal of neither of the houses makes any mention of the motion for, nor of the appointment of, the committee of which Jackson speaks. The members of the house of representatives have universally expressed their indignation at the unfounded charge, and their astonishment at the outrageous imposition, under which Jackson must have been, when he made it.

Major-General Villere, of the state militia, reached the camp on the twenty-ninth, with six hundred men of the militia of his division, and was directed by Jackson to take the command of a second line, which was now formed between the first and the city.

On new-year's day, a thick fog concealed the movements of the enemy, till towards eight o'clock. He now opened a brisk fire from three batteries he had just completed. The left, on the road, had two twelve pounders; the centre eight eighteen and twenty-four pounders, and some carronades; the right, close to the woods, mounted eight pieces of cannon and carronades of different calibres. A flash of congreve rockets accompanied the balls, and for a quarter of an hour the fire was kept up with unexampled celerity, and answered in so brisk, steady and well directed a manner, that it now slackened in a perceptible degree. The cannonade was, however, kept up on both sides, but with varied intervals, for an hour, during which seven of the enemy's guns were dismounted, and when the fire ceased, the greater part of his artillery was unfit for service. At one o'clock, he abandoned his battery near the woods; the centre one

and that near the road continued to throw a few balls and rockets till three, when they were silenced.

Soon after, Major-General Thomas, of the second division of state militia, arrived with five hundred men, who encamped behind the main line, on Dupre's plantation, and three days after, a detachment of the militia of the state of Kentucky, amounting to two thousand two hundred and fifty men, under Major-General Thomas and Brigadier-General Adair, arrived and encamped below the city, on Prevost's plantation. Afterwards, a part of this force, under General Adair, advanced and took a position, a little in the rear of Jackson's line.

The deplorable condition of a great part of the militia of the states of Kentucky and Tennessee, who were in want of warm clothing, and from the nature of the service, occasionally exposed in the open air, the winter being extremely severe, excited the sensibility of the legislature of Louisiana, and on the motion of Louaillier, an appropriation was made of six thousand dollars. This sum was placed in the hands of a committee, of which the mover was an efficient member. An equal sum was added, by subscription in the city: the planters of the German Coast sent thirty-six hundred dollars, and those of Attakapas transmitted five hundred. By these means, with other aid, a sum of sixteen thousand dollars was obtained, as an addition to that appropriated by the legislature, and the whole was expended in the purchase of blankets and woolen cloths, which were distributed among the ladies of New-Orleans, to be made into wearing apparel; and within one week, twelve hundred blanket coats, two hundred and twenty-five waistcoats, eleven hundred and twenty-seven pairs of pantaloons, and eight hundred shirts, were completed and distributed. Spe-

cific donations of several boxes of hats and shoes, and a considerable number of matrasses, were made by merchants and shop-keepers.

A number of debtors, who had taken the benefit of the acts establishing the prison bounds, were anxious to join in the defence of the city, but were apprehensive of exposing their sureties. On this being represented to the legislature, an act was passed, extending the prison bounds, until the first of May following, so as to include Jackson's line.

From deserters, desultory accounts were received, of a considerable reinforcement having arrived, under the orders of lieutenant-general Packenham and major-general Lambert: it was reported, that the British army now consisted of fourteen thousand men. Jackson had information, that for several days, the communication between the army and fleet had been unusually active, and that a general attack was preparing—that the enemy was deepening Villere's canal and extending it, in order to bring his boats to the Mississippi.

Early on the morning of the eighth, signals, to produce concert in the enemy's movements, were noticed. A rocket ascended on the left, near the swamp, and soon after, another on the right, near the river; and a few minutes after, the charge was began with such rapidity, that our soldiers, at the outposts, with difficulty fled in.

The enemy's batteries, which had been demolished on new year's day, had been repaired during the night, and furnished with several pieces of heavy artillery. These now opened, and showers of balls and bombs were poured on our line, and the air was lighted with congreve rockets. The two divisions under generals Keane and Gibbs, were led by Packenham:

both pressed forward, the one against the centre, the other against the redoubt on the levee. A thick fog, enabled them to approach within a short distance, before they were discovered. They advanced, with a firm, quick and steady pace, in solid columns, with a front of sixty or seventy deep. On perceiving them, Jackson, who had been for some time waiting their appearance, gave a signal, on which our men, who were in readiness, gave three cheers, and instantly the whole line was lighted with the blaze of their fire. A burst of artillery and small arms, pouring with destructive aim upon the British, mowed their front and arrested their advance. In the musketry, there was not a moment of intermission, as one party discharged their pieces, another succeeded: alternately loading and firing, no pause could be perceived—it was one continued volley. Notwithstanding the severity of the fire, some British soldiers pressed forward, and succeeded in gaining the ditch in front of the line. At this moment, Pakenham fell, in front of his men, mortally wounded, and soon after, Gibbs and Keane were borne from the field, dangerously wounded.—Lambert, who was advancing, at a small distance in the rear with the reserve, met the columns precipitately retreating and in great confusion. His efforts to rally them were unavailing—they reached a ditch, at the distance of four hundred yards from our line, where, finding a momentary safety, they were rallied and halted.

They shortly after returned to the charge; but Jackson's batteries had not ceased their fire—their constant discharge of grape and cannister, and volleys of musketry, cut down the enemy's columns as fast as they could be formed; they now abandoned the con-

test and the field in disorder, leaving it entirely covered with the dead and the wounded.

A strong detachment, which formed the left of Keane's command, was sent, under Colonel Rennie, against our redoubt, on the right. This work was in an unfinished state. Rennie, urging forward with stern bravery, reached the ditch. His advance was greatly annoyed by Patterson's battery, on the right bank, and the cannon mounted on the redoubt; but he passed the ditch, and leaping, sword in hand, on the wall, called on his men to follow him, when the fatal aim of a rifleman brought him down. Pressed by the impetuosity of superior numbers, who were mounting the wall and entering at the embrasures, the men in the redoubt had retired to the rear of the line, when the city riflemen, cool and self-possessed, opened on the assailants, and at every discharge brought the object to the ground. The followers of Rennie abandoned the attempt, in which he had fallen: they retired, galled by such part of the guns in the line as could be brought upon them: they sought a shelter behind the levee, but the fire of Patterson's battery, on the right bank of the river, severely annoyed them on their retreat.

The efforts of the enemy to carry Jackson's line of defence, were seconded by an attack, which was intended to have been simultaneous, on the opposite bank. Col. Thornton, before day break, had crossed the Mississippi with eight hundred men: but he had hardly effected his landing, when the day broke, and he hastened forward against Morgan's entrenchment.

Jackson had foreseen an attack on that side of the river, and during the previous night, he had sent two hundred of the militia of the state to assist in opposing

it. This detachment had advanced a mile down the river, and Arnaud, who commanded it, supposing that the general was mistaken, or deeming that the spirits of his men would be resuscitated by repose, had directed them to lie down and sleep. Hearing the rattling noise made by the British, who were approaching, Arnaud aroused his sleeping companions, and before they could be formed, the foe was so near, that they became confused, and moved off in the direction in which they had come. A body of Kentuckians, who had reached Morgan's camp, at five in the morning had been sent on to support Arnaud: they had proceeded about three-fourths of a mile, when they met his men hastily retreating up the road.

These two detachments ran along together, and formed behind a saw-mill race, skirted with a quantity of plank and scantling, which afforded them a tolerable shelter. The enemy now appeared; his approach was resisted, and a warm and spirited opposition made for awhile. A momentary check was given him. He retired, returned and again received a heavy fire. One of Morgan's aids now arrived, and ordered a retreat. Confusion ensued—order could not be restored, and the whole precipitately fled to Morgan's entrenchment, when they were instantly formed, and ordered to extend themselves in line to the swamp, to prevent the entrenchment being turned.

Thornton halted, at the distance of about seven hundred yards, and soon after advanced to the attack, in two divisions, against the extreme right and centre of the line, now defended by about five hundred men. A well directed discharge of the artillery, which had been mounted on the works, caused his right division to oblique and unite with the left, and press forward to the point occupied by the Kentucky troops. These

men finding themselves thus exposed, and not having yet recovered from the disorder of their hasty retreat, now gave way, and soon after abandoned their position. The Louisiana militia gave a few fires and followed the example. The officers succeeded in obtaining a momentary halt; but a burst of congreve rockets happening to set fire to a field of sugar cane and to other combustible materials, their fears were again excited—they hastily moved away, and could not be rallied, till, at the distance of two miles they reached a small race and were formed and placed in an attitude of defence.

The loss of the British in the main attack, on the left bank, is supposed to have been between twenty-five hundred and three thousand killed—the number of wounded was much greater. The loss of the Americans in killed and wounded was but thirteen.

General Lambert, on whom the command of the British army devolved on the fall of Packenham, Gibbs and Keane, now solicited permission to send an unarmed detachment to bury the dead and bring off the wounded, lying near Jackson's line. This was allowed, and a suspension of hostilities agreed on for twenty-four hours.

A considerable naval force of the enemy had been destined to cooperate in the late attack by ascending the Mississippi. They succeeded in passing the Balize, and made prisoners of a small detachment that had been stationed there, but were unable to pass Fort St. Philip at Plaquemines.

The squadron, which consisted of two bomb vessels, a brig, schooner and sloop, approached the fort, on the ninth, at ten o'clock in the morning, within striking distance, and soon after commenced

to discharge an immense quantity of bombs and balls against the fort. A severe and well directed fire from its water battery compelled the shipping to retreat to the distance of two miles, where they could reach the fort with the shells from their largest mortars, while they stood beyond the reach of its artillery. The bombardment, with various intervals, was continued till the seventeenth, when a heavy mortar having been mounted and turned against them, they retreated on the morning of the eighteenth.

At midnight, between the eighteenth and nineteenth, the enemy precipitately abandoned his encampment on the left bank of the Mississippi, to return to his shipping, leaving under medical attendance, eighteen wounded, including two officers, fourteen pieces of artillery, and a considerable quantity of shot. Such was the situation of the ground they abandoned, and that through which they retreated, protected by swamps canals, redoubts and intrenchments, that Jackson could not, without encountering a risk which policy neither required or authorised, annoy him much on his retreat. He took eight prisoners only.

One of the medical men, left to take care of the wounded, handed to Jackson a letter from Lambert, imploring protection for the men thus remaining behind, and announcing that he had relinquished, "for the present, all further operations against New-Orleans."

"Whether" says Jackson's communication to the Secretary of War, of the nineteenth, "it be the purpose of the enemy to abandon the expedition altogether, or to renew his efforts at some other point, I shall not pretend to decide with positiveness. In my own mind, there is but little doubt that his last exertions have been made in this quarter; at any rate for the present season: and by the next, if he shall choose to revisit us, I hope we shall be fully prepared for him. In this belief, I am

strengthened by the prodigious loss he sustained, on the position he has just quitted, and by the failure of his fleet to pass Fort St. Phillip. His loss since the debarkation of his troops, as stated by all the prisoners and deserters, and as confirmed by many additional circumstances, exceeds in the whole four thousand men."

Jackson now determined to withdraw his troops from the position they had occupied and place them near the city, whence they might easily be advanced whenever it might be necessary. The seventh regiment of infantry was left to protect the point he was leaving, and further in advance on Villere's canal, where the enemy landed, he posted a detachment of Louisiana and Kentucky militia.

Having made these arrangements, he brought the rest of his army to the city, on the twentieth.

On the twenty-third a solemn service of thanksgiving was performed in the Cathedral—exactly one month after the first landing of the enemy at Villere's plantation.

If the vigilance, the activity, and the intrepidity of the General had been conspicuous during the whole period of the invasion, his prudence, moderation and self-denial, on the departure of the enemy, deserves no less commendation and admiration. An opportunity was then presented to him of acquiring laurels by a pursuit, which few, elated as he must have been by success, could have resisted. But, he nobly reflected that those who fled from him were mercénaries—those who surrounded his standard, his fellow-citizens, almost universally fathers of families;—sound policy, to use his own expressions, neither required or authorised him to expose the lives of his companions in arms, in a useless conflict. He thought the lives of ten British soldiers would not requite the loss of one of his men. He had not saved New-Orleans to sacrifice its inhabitants.—

With tears of gratitude they greeted him on his return,
in the strains which Ariosto addresses to his patron,

Fu il vincer sempre mai laudabil cosa,
Vincasi o per fortuna o per ingegno :
Gli è ver, che la vittoria sanguinosa
Spesso far suole il capitán men degno ;
E quella eternamente è gloriosa,
E dei divini onori arriva al segno,
Quando, servando i suoi senz'alcúu danno,
Si fa che gl'inimici in rotta vanno.

La vostra, signór mio, fu degna loda,
Quando al leone, in mar tanto feroce,
Ch' avéa occupata l'una e l'altra proda
Del Po, da Francolin sin alla foce,
Faceste sì, che ancor che ruggir l'oda,
S'io vedro voi, non temeró la voce.
Come vincer, sì de' ne dimostraste ;
Ch' uccideste i nemici, e noi salvaste.

ORLANDO FURIOSO, XIV.

Thus paraphrased—

Great honor every victor must obtain,
Let fortune give success or conduct gain :
Yet oft a battle, won with blood, will yield
Less praise to him who boasts the conquered field.
But ever glorious is that chieftain's name—
And pure and sacred is his martial fame,
Who, while the forces of his foes o'erthrown
Proclaim his might, from loss preserves his own.
Such was the war by thee, brave Jackson, wag'd,
When Britain on the waves had fiercely rag'd—
Had seiz'd each shore that to the Gulph descends,
And to our Lakes from Pensacola bends :

Tho' yet afar, her lion's roar seem'd near,
But present thou, what breast could harbor fear.
Nobly thou taught's us victory to gain—
By thee our friends were sav'd, our foes were slain.

Eaton.—Latour.—Archives.—Gazettes.

CHAPTER XVIII.

The Legislature adjourns.—Fort Boyer taken.—Intelligence of peace.—Jackson's proclamation.—Confirmation of the intelligence.—French subjects demand their discharge from military service.—Apply to the Consul, and are discharged on his certificate. The Consul and them ordered into the interior.—They remain at home.—Louaillier's publication.—His arrest.—Writ of habeas corpus issued by Hall, who is also arrested.—The Clerk of the Court brought to head-quarters.—A record taken and withheld from him.—He avows his intention to issue the writ, and is threatened.—The Marshal avows his intention to execute it, and is threatened.—Intelligence of the treaty being ratified.—State militia discharged.—Proceedings against Hall and Louaillier.—Order against the French subjects suspended. Hollander, Lewis and Dick ordered to be arrested.—Orders against Lewis and Dick countermanded. Supreme Court.—Hollander discharged.—Louaillier acquitted.—The sentence disapproved. Hall sent out of the City.—Peace proclaimed.

THE legislature made an appropriation of two thousand dollars for the benefit of the Charity Hospital, the resources of which had been diminished by the liberal succour it had yielded to the sick of the states of Kentucky and Tennessee. Provision was also made for the immediate relief of the wounded and the families of those who had been killed.

Danger had now evidently subsided. The levy en masse of the militia, had been arriving in regiments and

companies. "Every thing," says Latour, "was in readiness to repel the enemy, on whatever point he might make an attack. All the 'damaged arms had been repaired, and a barge had arrived from Pittsburg, with muskets, cannon and balls. Louisiana had been defended and saved, with means much inferior to those of the enemy, and towards the end of January she was in a condition to defy double the number that had at first attacked her. Time had shown how groundless were the apprehensions which were pretended to be entertained from the disaffection of the people, and had evinced the wisdom of the legislature, in rejecting the propositions which had been made, to suspend the writ of *Habeas Corpus*. They adjourned on the sixth of February.

On the twelfth the British possessed themselves of Fort Boyer, at the entrance of Mobile Bay.

By a communication of the following day, from Admiral Cochrane, Jackson was informed that the Admiral had just received a bulletin from Jamaica, (a copy of which was inclosed) proclaiming that a treaty of peace had been signed by the respective plenipotentiaries of Great Britain and the United States, at Ghent, on the twenty-fourth of December. The despatch did not arrive till the twenty-first, by the way of the Balize, but the intelligence had been brought to the city on the preceding day by one of Jackson's aids, who had returned from the British fleet with a flag of truce.

In announcing this event, by an address to the army and the people of Louisiana, the General forewarned them from being thrown into security by hopes that might be delusive; observing it was by holding out such, that an artful and insidious foe, too often seeks to accomplish objects, the utmost exertion of his strength will not enable him to effect. He added that to place them off their guard, and attack them by surprise, was

the natural expedient of one, who, having experienced the superiority of their arms, hoped to overcome them by stratagem.

On the twenty-second, the gladsome tidings were confirmed, and a gazette of Charleston was received, announcing the ratification of the treaty by the Prince Regent.

We have seen that on the first account of the arrival of part of the British army on Villere's plantation, the French subjects who resided in New-Orleans and its environs, animated by Tousard, their Consul, had flocked round Jackson's standard, "determined to leave it with the necessity that called them to it, and not till then." As long as the foe remained in the state, they patiently submitted to toil, privation and danger, with exemplary fortitude and patience :—they had left their families in penury and distress, but the liberality of the the city council had ministered to their wants ;—that body had distributed among the needy inhabitants thirty-four thousand rations of bread, and thirteen thousand of meat. But, whether the means of the corporation were exhausted, or the absence of danger rendered its officers less attentive, these supplies did not flow as abundantly as at first, and, pressed by the anxiety of coming to the help of their families, and no longer elated by the hope of gaining laurels, being useful to the country they lived in, or excited by their antipathy to the invaders—they grew tired of a service, which they now thought perfectly useless. A few solicited their discharge from the officers under whom they were immediately placed—Jackson was consulted, and insisted on their being retained. On this, a number of them demanded from Tousard certificates of their national character, which they presented to the General, by whom they were countersigned, and the bearers permitted to return home.—The example was followed by so many, that Jackson

was induced to believe that Tousard too easily gratified the applicants with certificates, and considering his compliance with his duty, as evidence of his adhesion to the enemy, ordered him out of the city.

Yielding to the advice of many around him, who were constantly filling his ears with their clamours about the disloyalty, disaffection and treason of the people of Louisiana, and particularly the state officers and the people of French origin, Jackson, on the last day of February, issued a general order, commanding all French subjects, possessed of a certificate of their national character, subscribed by the consul of France, and countersigned by the commanding general, to retire into the interior, to a distance above Baton Rouge:—a measure, which was stated to have been rendered indispensable by the frequent applications for discharges.—The names were directed to be taken of all persons of this description, remaining in the city, after the expiration of three days.

Time has shown this to have been a most unfortunate step, and those by whose suggestions it was taken, soon found themselves unable to avert from the general the consequences to which it exposed him. The people against whom it was directed were loyal—many of them had bled; all had toiled and suffered in the defence of the state. Need, in many instances, improvidence in several, had induced the families of these people to part with the furniture of their houses to supply those immediate wants, which the absence of the head of the family occasioned. No exception, no distinction was made. The sympathetic feelings of every class of inhabitants were enlisted in favor of these men; they lacked the means of sustaining themselves on the way, and must have been compelled, on their arrival at Baton Rouge, then a very insignificant village, to throw themselves on the charity of the inhabitants. Another

consideration rendered the departure of these men, an evil to be dreaded. The apprehension of the return of the enemy was represented, as having had much weight with Jackson in issuing his order. Their past conduct was a sure pledge that, in case of need, their services would again be re-offered; there were among them a number of experienced artillery-men; a description of soldiers, which was not easily to be found among the brave who had come down from Kentucky, or Tennessee, or even in the army of the United States. These considerations induced several respectable citizens to wait on Jackson, for the purpose of endeavouring to induce him to reconsider a determination, which was viewed as productive of flagrant injustice and injury to those against whom it was directed, without any possible advantage, and probably very detrimental, to those for whose benefit it was intended.

Eaton has informed his readers that "Promptitude and decision constitutes one of the leading traits of Jackson's character." Those who called on the general, were soon convinced, that hasty determinations are seldom patiently re-examined, or willingly changed: they found him inexorable. The recommendation was therefore given to the French exiles, to forbear the manifestation of any positive resistance, but to remain quietly at home, in the hope, that official accounts from the seat of government, changing the state of affairs, should soon enable Jackson to withdraw his late orders, without admitting they were too precipitately issued. They were assured, that the laws of the country would protect them, and punish, even in a successful general, a violation of the rights of, or a wanton injury to, the meanest individual, citizen or alien. They were referred to the case of Wilkinson, against whom an independent jury of the Mississippi territory had given a verdict in favour of

Adair, who had been illegally arrested and transported, during the winter of 1806.

The mail now brought northern gazettes, announcing the arrival of the treaty at Washington, on the 14th. The hope, that had been entertained, that Jackson would now allow those unfortunate people to stay with their families, was disappointed; a circumstance which induced several of their countrymen, who had become citizens of the U. States, to imagine, that antipathy to the French population influenced the general's determination.—It has justly been allowed, that those who are ignorant of each other's language, often lack the liberality of giving the best construction to each others acts; and the inhabitants of New Orleans had often complained, that the government of the United States had not had the indulgence, which the king of Spain had always extended to them, of sending superior officers to preside over them, who spoke their language. Jackson had uniformly kept aloof from the French part of the population, and did not appear to treat the officers of the state government, with the attention which was believed to be due them; and those who were considered, as his most confidential friends, were believed to be in opposition to the officers of the state.

Louallier, the member of the house of representatives for the county of Opelousas, a native of France, had been an efficient member of the legislature, and had been remarked for his constant and steady efforts, in bringing forth the energies of the state for its defence, and in providing and distributing assistance for its needy defenders. He had been hitherto extremely useful in the regulation of the finances—we have seen he was one of those, who thought the legislature should remain in session, while danger hovered over the state. He had thought it better to open the treasury, and induce sailors to go on board of public vessels, by ample bounties,

than to empower the commodore to send out press gangs—he thought that the state should not outlaw its defenders, by suspending the *habeas corpus*—he did not believe in the cry of Jackson and Claiborne, of disaffection, sedition and treason. He thought every citizen owed to the state the exertion of his utmost faculties, during the pending crisis; he accordingly enrolled himself in one of the companies of veterans, patrolled the city during the night, and sat, during the day, in a military council, and a committee of succours. Of the latter, he had been the most efficient member. In distributing relief to the indigent, he had frequently visited in person the mansions of those, who had abandoned their families, buckled a knapsack on their backs, placed a musket on their shoulders, and followed Jackson; and he had witnessed the distresses of their families. He had given credit to the admiral's communication; being unable or unwilling to believe, that officer entertained so unfavourable an opinion of those who opposed him, as to conceive the idea, that they could be imposed upon, by so flimsy a means, as a forged newspaper. He had approved the caution of Jackson; but the confirmation of the signature of the treaty, in a Charleston gazette, had sanctioned the belief, that the admiral's information was correct. The frequent and uncontradicted repetition of the intelligence in letters and newspapers, placed it beyond all doubt. When he heard, that the treaty was before the senate, he entertained very little doubt of its instant ratification.

A report, which now was afloat, that those who surrounded Jackson were labouring to induce him to arrest some individuals, alluded to in the general orders of the 28th of February, roused his indignation, to which (perhaps more honestly than prudently) he gave vent in a publication, of which the following is a translation, in the *Courier de la Louisiane* of the 3d of March.

COMMUNICATION.

"Mr. Editor—To remain silent on the last general orders, directing all the Frenchmen, who now reside in New Orleans, to leave it within three days, and to keep at a distance of 120 miles from it, would be an act of cowardice, which ought not to be expected from a citizen of a free country—and when every one laments such an abuse of authority, the press ought to denounce it to the people."

"In order to encourage a communication between both countries, the 7th and 8th articles of the treaty of cession secure, to the French who shall come to Louisiana, certain commercial advantages, which they are to enjoy, during a term of twelve years, which are not yet expired. At the expiration of that time, they shall be treated in the same manner as the most favored nation. A peace which nothing is likely to disturb, uniting both nations, the French have until this moment been treated in the United States with that regard which a great people deserves and requires, even in its reverses, and with that good will, which so eminently distinguishes the American Government in its relations with foreign nations. In such circumstances, what can be the motives which have induced the commander in chief of the 7th district, to issue general orders of so vexatious a nature? When the foreigners of every nation—when the Spaniards, and even the English, are permitted to remain unmolested among us, shall the French alone be condemned to ostracism; because they rendered too great services? Had they remained idle spectators of the last events, could their sentiments towards us be doubted, then we might merely be surprised at the course now followed with regard to them. But now, are we to restrain our indignation, when we remember that these very Frenchmen, who are now exiled, have so powerfully contributed to the preservation of Louisiana? Without

speaking of the corps, who so eminently distinguished themselves, and in which we see a number of Frenchmen rank either as officers or privates; how can we forget, that they were French artilleryists, who directed and served a part of those pieces of cannon, which so greatly annoyed the British forces? Can any one flatter himself that such important services could have so soon been forgotten? No, they are engraved in everlasting characters on the hearts of all the inhabitants of Louisiana, and they shall form a brilliant part in the history of their country; and when those brave men ask no other reward, but being permitted peaceably to enjoy among us the rights secured to them by treaties and the laws of America, far from sharing in the sentiments which have dictated the general order, we avail ourselves of this opportunity to give them a public testimony of our gratitude.

“Far from us be the idea, that there is a single Frenchman so pusillanimous as to forsake his country merely to please the military commander of this district, and in order to avoid the proscription to which he has chosen to condemn them; we may, therefore, expect to see them repair to the consul of their nation, there to renew the act which binds them to their country—but supposing that, yielding to a sentiment of fear, they should consent to cease to be French citizens, would they, by such an abjuration, become American citizens? No, certainly they would not: the man who would be powerful enough to denationalize them, would not be powerful enough to give them a country. It is better, therefore, for a man to remain a faithful Frenchman, than to suffer himself to be scared even by the *martial law*, a law useless, when the presence of the foe and honor call us to arms, but which becomes degrading, when their shameful flight suffers us to enjoy a glorious rest, which fear and terror ought not to disturb.

“But could it be possible, that the constitution and laws of our country should have left it in the power of the several commanders of military districts, to dissolve all at once, the ties of friendship, which unite America to the nations of Europe? Would it be possible, that peace or war could depend upon their caprice, and the friendship or enmity they might entertain for any nation. We do not hesitate in declaring, that nothing of the kind exists. The President alone has, by law, the right to adopt against *alien enemies* such measures as a state of war may render necessary, and for that purpose he must issue a proclamation; but this is a power he cannot delegate. It is by virtue of that law, and a proclamation, that the subjects of Great Britain were removed from our sea-ports and sea shores. We do not know any law, authorizing general Jackson to apply to *alien friends* a measure which the President of the United States, himself, has only the right to adopt against *alien enemies*.

“Our laws protect strangers, who come to settle or reside among us. To the sovereign alone belongs the right of depriving them of that protection; and all those who know how to appreciate the title of an American citizen, and who are acquainted with their prerogatives, will easily understand, that, by the sovereign, I do, by no means, intend to designate a Major-General, or any other military commander, to whom I willingly grant the power of issuing general orders like the one in question, but to whom I deny that of having them executed.

“If the last general order has no object but to inspire us with a salutary fear; if it is only destined to be read; if it is not to be followed by any act of violence; if it is only to be obeyed by those who may chuse to leave the city, in order to enjoy the pure air of the country, we shall forget that extraordinary order; but should any thing else happen, we are of opinion that the tribunals

will sooner or later, do justice to the victims of that illegal order.

"Every alien friend, who shall continue to respect the laws which rule our country, shall continue to be entitled to their protection. Could that general order be applied to us, we should calmly wait until we were forced by violence to execute it, well convinced of the firmness of the magistrates, who are the organs of the laws in this part of the union, and the guardians of public order.

"Let us conclude by saying, that it is high time the laws should resume their empire; that the citizens of this State should return to the full enjoyment of their rights; that in acknowledging, that we are indebted to general Jackson for the preservation of our city, and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and less than any other, that of expressing our opinion about the acts of his administration; that it is time the citizens accused of any crime should be rendered to their natural judges, and cease to be dealt with before special or military tribunals, a kind of institutions, held in abhorrence even in absolute governments; and that having done enough for glory, the moment of moderation has arrived; and finally, that the acts of authority which the invasion of our country, and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the constitution respected."

Man bears nothing with more impatience, than the exposure of his errors, and the contempt of his authority. Those who had provoked Jackson's violent measure against the French subjects, availed themselves of the paroxysms of the ire which the publication excited: they threw fuel into the fire, and blew it into a flame. They persuaded him Louallier had been guilty of an

offence, punishable with death, and he should have him tried by a court martial, as a spy. Yielding to this suggestion, and preparatory to such a trial, he ordered the publication of the second section of the rules and articles of war, which denounces the punishment of death against spies, and directed Louallier to be arrested and confined. Eaton is mistaken when he asserts that the section had been published *before*. The adjutant's letter to Leclerc, the printer of the *Ami des Lois*, requesting him to publish it, bears date of the *fourth* of March, the day *after* Louallier's publication made its appearance. The section was followed by a notice that "the city of New-Orleans and its environs, being under martial law, and several encampments and fortifications within its limits, it was deemed necessary to give publicity to the section, *for the information of all concerned.*"

Great, indeed, must have been Jackson's excitement, when he suffered himself to be persuaded, that Louallier could successfully be prosecuted, as a spy. Eaton informs us, Louallier was prosecuted as one *owing allegiance to the United States*. The very circumstance of his owing that allegiance, prevented his being liable to a prosecution, as a spy. He was a citizen of the United States: his being a member of the legislature, was evidence of this. If he, therefore, committed any act, which would constitute an alien a *spy*, he was guilty of high treason, and ought to have been delivered to the legitimate magistrate, to be prosecuted as a traitor.

The second section of the act of congress, for establishing rules and articles of war, is in the following words:

"Sec. 2. *In time of war, all persons, not citizens of, or owing allegiance to the United States, who shall be found, lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the laws and*

usages of nations, by sentence of a general court martial."

It is certain the article applies only to aliens; persons who are *not* citizens of the United States, *nor* owing temporal allegiance to them. A spy gives *aid* to the enemy: and he, who owing allegiance (perpetual or temporal) to the United States, adheres to their enemies; *giving* them *aid* or comfort, is not a spy, but a traitor.

This distinction has been recognised by the department of war of the United States. In the beginning of the last war, a natural born citizen of the United States, who before the declaration of war had removed his domicile into Canada, was found lurking about as a spy, near a fortification of the United States, arrested, tried and convicted by a general court martial, and condemned to death, as a spy. The President disapproved of the sentence, on the ground that as the culprit was a citizen of the United States, and owed allegiance to them, he could not be a spy; he was accordingly, by order of the secretary of war, surrendered to the legitimate magistrate, to be dealt with according to law.

Louallier was arrested on Sunday, the fifth day of March, at noon, near the Exchange Coffee-house. He immediately desired Morel, a gentleman of the bar, who was near him, to adopt legal means for his relief.

Application was made to one of the members of the supreme court, Martin, who being prevented by the imperfection of his sight to be otherwise useful, had enrolled himself in one of the companies of veterans, organised for the maintenance of order in the city. That court had determined in the preceding year, in the case of a British subject, arrested by the marshal for the purpose of being sent into the interior, that its jurisdiction being appellate *only*, it could not issue the writ of *habeas corpus*. Morel was, therefore, informed that the judge did not conceive he could interfere; especially as it was

alleged the prisoner was arrested and confined for trial, before a court martial, under the authority of the United States.

Morel, having consulted other gentlemen of the profession, applied to Hall, the district judge of the United States for a writ of *prohibition*, to stay proceedings against his client, in the court martial. Hall expressed a doubt of his authority to order such a writ at chambers, and said he would take some time to deliberate. Morel withdrew, but soon after returned with a petition for a writ of *habeas corpus*, on which the judge gave his *fiat*, after having received Morel's promise, that he would inform the general of his application for the writ, and the order made for issuing it.

On receiving Morel's communication, the ebullition of Jackson's anger was such, that reason appeared to have lost its control. Those who had suggested the harsh measure against the French citizens, and the still more harsh one against Louallier, imagined the moment was 'come, when their enmity towards Hall might be gratified. We have seen that a number of individuals, who had hitherto sustained a fair character, were now known as accomplices of the Barrataria pirates. Prosecutions had been commenced against some of them, and Hall manifested that stern severity of character, which appals guilt. The counsel of these men had conceived the idea that he did not view their efforts to screen their clients, with the liberality and indulgence they deserved. The opportunity now offered of humbling this worthy magistrate, was not suffered to remain unimproved; and Jackson was assured that Hall, like Louallier, was guilty of an offence punishable with death.

The general's attention was drawn to the seventh section of the rules and articles of war, which denounces the last punishment against persons aiding or abetting mutiny; and he was pressed to prosecute the judge be-

fore a court martial. As a preparatory step, with that promptitude of decision, which Eaton says is a leading trait in his character, he signed an instrument at once, the warrant for the arrest, and the *mittimus* for the imprisonment of Hall. He wrote to colonel Arbuckle, who commanded at the barracks, that having received proof that Dominic A. Hall had been *aiding, abetting, and exciting mutiny* in his camp, he desired that a detachment might be ordered forthwith, to arrest and *confine* him; and that a report might be made as soon as he was arrested. "You will," as it is said in the conclusion of this paper, "be vigilant; as the agents of our enemy are more numerous than we expected. You will be guarded against escapes."

The prosecution of the judge was intended to be grounded on the seventh section of the articles of war, which is in these words:—"Any *officer or soldier*, who shall begin, cause, excite or join in, any mutiny or sedition, in any troop or company, in the service of the United States, or in any post, detachment or guard, shall suffer death, or any other punishment, as by a court martial shall be inflicted."

Hall was not an officer, in the sense of the act of congress—he was not a soldier, in the ordinary meaning of that word; but, according to the jurisprudence of head quarters, the proclamation of martial law had transformed every inhabitant of New Orleans into a soldier, and rendered him punishable under the articles of war.

The judge was accordingly arrested in his own house, at nine o'clock, and confined in the same apartment with Louallier, in the barracks.

As soon as this was reported at head quarters, major Chotard was despatched to demand from Claiborne, the clerk of the district court of the United States, the surrender of Louallier's petition, on the back of which Hall had written the order for issuing the writ of *habeas*

corpus. It has been seen that there was not any officer of the State government, nor of the United States, out of the army, who imagined that a proclamation of martial law gave the general any right, nor imposed on others any obligation, which did not exist before. The clerk accordingly answered that there was a rule of court, which forbade him to part with any original paper lodged in his office; and he was ignorant of any right, in the commander of the army, to interfere with the records of the court. He however was, after much solicitation, prevailed on to take the document in his pocket, and accompany Chotard to head quarters.

In the meanwhile, an express from the department of war had arrived, with the intelligence that the President of the United States had ratified the treaty, and an exchange of the ratifications had taken place at Washington, on the 17th of February, the preceding month. By an accident, which was not accounted for, a packet had been put into the hands of the messenger, instead of the one containing the official information of the exchange of the ratifications. But the man was bearer of an open order of the Postmaster, to all his deputies on the road, to expedite him with the utmost celerity, as he carried *information of the recent peace*. He declared he had handed an official notice of this event to the governor of the state of Tennessee.

On the arrival of the clerk at head quarters, Jackson asked him whether it was his intention to issue the writ: he replied it was his bounden duty to do so, and he most assuredly would. He was threatened with an arrest, but persisted in his asseveration that he would obey the judge's order. He had handed Louallier's petition to Jackson, and, before he retired, demanded the return of it; this was peremptorily refused, and the paper was withheld. It appears the date of the *fifth* of March had been originally on this document, and that being Sun-

day, Hall had changed it to that of the following day, the *sixth*. The idea had been cherished, that this alteration might support an additional article, in the charges against Hall. It is not extraordinary, that those who imagined that, as Louallier might be tried for a *libel*, in a court martial, Hall might for *forgery*. Thus one inconsistency almost universally leads to another.

Duplessis, the marshal of the United States, had volunteered his services, as an aid to Jackson; a little after midnight he visited head quarters. The imprisonment of Hall, and the accounts from Washington, had brought a great concourse of people near the general; who, elated by the success of the evening, met the marshal at the door, and announced to him, *he had shopped the judge*. Perceiving that Duplessis did not show his exultation, he inquired whether he would serve Hall's writ. The marshal replied, he had ever done his duty, which obliged him to execute all writs directed to him by the court, whose ministerial officer he was; and, looking sternly the person who addressed him, added, he would execute the court's writ, *on any man*. A copy of the proclamation of martial law, that lay on the table, was pointed to him, and Jackson said, he *also* would do his duty.

A large concourse of people had been drawn to the Exchange coffee-house, during the night, by the passing events, which were not there, as at head quarters, a subject of exultation and gratulation. The circumstances were not unlike those of the year 1806, which Livingston describes as "so new in the history of our country, that they will not easily gain belief, at a distance, and can scarcely be realized by those who beheld them. A dictatorial power, assumed by the commander of the American army—the military arrest of citizens, charged with a civil offence—the violation of the sanctuary of justice. An attempt to overawe, by denunciations,

those who dared, professionally, to assert the authority of the laws—the unblushing avowal of the employment of military force, to punish a civil offence, and the hardy menace of persevering in the same course, were circumstances that must command attention, and excite the corresponding sentiments of grief, indignation and contempt.”

There were some who recommended, that application should be made to Claiborne, to put himself at the head of the militia of the state, and to Duplessis, to call out the *posse comitatus* of the district, to support the authority of the judiciary; but the sentiment of those prevailed, who, harangued the people in the strains of Livingston’s address to his fellow-citizens, about eight years before. “We must suffer the evils to which we are exposed. Let us, however, do it with fortitude, and never be tempted to any act, which may enlist us, on the side of those, who trample on our constitution, sport with our liberties, and violate our laws. Let us remember, that the day of retribution will arrive, and is not far distant, when a strict account will be taken, as well of the wanton abuses, as of the shameful dereliction which permits them. But, let us strive by our zeal in the support of our country, by our submission to lawful authority, by our opposition to every foreign or domestic foe, that there is no pretext for the dictatorial power that is assumed over us.”

“I have said that we *must suffer*. Never were two words more applicable to our situation: it is one the most dreadful to an independent mind, of any that can be imagined—subject to the uncontrolled will of a single man, to whom the hearsay tales of slander are proofs; and who, on his own evidence, arraigns, condemns and punishes, the accused; dooms him to imprisonment, by whom the tribunals are insulted, What state of things can be worse? No caution can protect! no conscious-

ness of innocence secure. The evidence is taken in private: malicious, cowardly informers, skulk around the proconsul's office. Their tales give food to pre-existing enmity, and avenge their own quarrels by secret denunciations of guilt. The objects of official suspicion are confined."

Repose having restored calmness to Jackson's mind, and the intelligence of peace depriving his measures of the only ground on which they could be justified—necessity—he acted on the suggestions of his own reflections, and considering the British as no longer the enemies of his country, he determined on an attempt to anticipate, as much as in him lay, the blessings of returning peace. With this object in view, one of his first acts on the *sixth*, was a communication to Lambert, which Latour has preserved. It is in the following words: "I have just received intelligence from Washington, which leaves little doubt, in my mind, that the treaty, signed at Ghent, between the United States and Great Britain, has been ratified by the president of the senate of the United States. But, by some unaccountable accident, a despatch, on another subject, has been substituted for the one intended to give me official notice of this event. The one I have received, is accompanied by an order from the postmaster general, desiring his deputies to forward the express, carrying intelligence of the recent peace. Of this order I enclose a copy. From other circumstances, to which I give credit, I learn that the same express brought official notice of the ratification of the treaty, to the governor of Tennessee. I have deemed it my duty, to communicate the exact state of these circumstances, without loss of time, that you might determine whether they would not justify you, in agreeing to a cessation of hostilities, to anticipate the happy return of peace between our two nations, which the first direct intelligence must bring to us, in an official form."

Jackson now paused to deliberate, whether these circumstances did not require him, by a cessation of all measures of violence, to allow his fellow-citizens in New Orleans, to anticipate this happy return of peace, the account of which, the first direct intelligence, was to bring to him, in an official form—the untoward arrival of an orderly sergeant, with a message from Arbuckle, to whom the custody of Hall had been committed, prevented Jackson coming to that conclusion, which his unprejudiced judgment would have suggested. The prisoner had requested, that a magistrate might be permitted to have access to him, to receive an affidavit, which he wished to make, in order to resort to legal measures, for his release. Arbuckle desired to know the general's pleasure, on this application. Naturally impatient of any thing like control or restraint, the idea of a superior power to be employed against his decisions, threw Jackson into emotions of rage. Before they had sufficiently subsided to allow him to act on the message, some of his ordinary advisers came in, to recommend the arrest of Hollander, a merchant of some note. What was the offence of this man, has never been known; but Jackson's temper of mind was favorable to the views of his visitors. He ordered the arrest of the merchant, and forbade the access of the magistrate to Hall; the idea of allowing his fellow citizens to anticipate the happy return of peace, was abandoned, and measures were directed to be taken for the trial of Louallier."

Seven distinct charges were exhibited, against the prisoner.

1. Mutiny. The specification, on this head, was that he did write, and cause to be published, the piece in the *Courier de la Louisiane*, of the 3d of March, 1815.

2. Exciting mutiny. The specification was the same as the preceding.

3. General misconduct. The specification was as before.

4. Being a spy. The specification was, that the prisoner was found lurking about the fortifications and encampment of the army of the United States, in New Orleans, being much disaffected, and writing, and causing to be published, as before.

5. Illegal and improper conduct, and disobedience to orders.

Specification 1st. Violating the fifty-sixth article of the rules and articles of war, viz: "Whoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbour or protect an enemy, shall suffer death, or such other punishment, as shall be ordered by the sentence of a court martial." This specification concluded with an averment, that the prisoner did write and cause to be published, &c. as before.

Specification 2d. Violating the 57th article, viz:—"Whosoever shall be convicted of corresponding with, or giving intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of the court martial." The averment on this specification, was the same as the preceding.

6. Writing a wilful and corrupt libel.

7. Unsoldierlike conduct, and contrary to the proclamation of martial law. The specification was, that the prisoner did write, and cause to be published, the piece, &c.

The supreme court of the state being in session, application was made to it, for a writ of *habeas corpus*, in favour of Hollander. The two judges present, Derbigny and Martin, severally declared, they should not think themselves justified in rejecting the application, on account of any proclamation of martial law, if they were convinced they had authority to issue the writ; and expressed their readiness to hear an argument, if any gentleman

of the bar had a doubt of the former decision of the tribunal, in the case of Lavery, the British subject, arrested by the marshal, during the preceding summer. This man claimed the citizenship of the United States, and wished to test his pretension by a writ of *habeas corpus*; but the court declined interfering, being of opinion, theirs was an *appellate jurisdiction only, confined to civil cases*, and they could not inquire into the legality of an arrest, on *criminal or political* grounds. They permitted the case to be argued; but, before the argument was concluded, information was received that Hollander had been discharged, by Jackson.

Dick, the attorney of the United States, made application to Lewis, one of the district judges of the state, who was serving as a subaltern officer, in the Orleans rifle company, and whose conduct during the invasion, had received Jackson's particular commendation. Believing that his duty as a military man, did not diminish his obligation, as a judge, to protect his fellow-citizens from illegal arrest, Lewis, without hesitation, on the first call of Dick, laid down his rifle, and allowed the writ.

Information of this having been carried to head quarters, Jackson immediately ordered the arrest of Lewis and Dick.

Arbuckle, to whom Lewis' writ, in favour of Hall, was directed, refused to surrender his prisoner, on the ground he was committed by Jackson, under the authority of the United States.

The orders for the arrest of Lewis and Dick were countermanded.

The court martial for the trial of Louallier, of which major-general Gaines was president, met on the 7th.

The prisoner's counsel confined his defence to a plea, to the jurisdiction of the court; contending that he was, as a member of the legislature, exempt from militia

service; that the rules and articles of war, were expressly established for the government of the *army* of the United States, and extended to the militia of the state, when in the service of the United States; that their client was neither of the *army* or *militia*, although, during the invasion, he had performed military duty in one of the volunteer companies, embodied for the maintenance of order in the city; that the *proclamation* of martial law, *made* no one a soldier, who was not so before; that it vested no right in the general, nor imposed on any one, any obligation, which did not exist before.

The irritation of the public mind manifested itself, in the evening, by the destruction of a transparent painting, in honor of Jackson, which the proprietor of the Exchange coffee-house displayed, in the largest hall.

A general order on the 8th, announced that, although the commanding general had not yet received official information, that the state of war had ceased, by the ratification of the treaty, he had persuasive evidence of the fact, and credited it, at the risk of being misled by his wishes; and, under this impression, his first duty was to discharge from actual service, the body of the militia of the state, which had taken the field, under the order for the *levy en masse*.

The French subjects had remained perfectly quiet at home, regardless of the order of the 28th of February. Louaffier's publication had opened the eyes of the community, whose sympathy was enlisted in favor of these defenders of the country, and under the present excitement of the public mind, the execution of a sentence of exile against them, would have been dangerous. The governor, who, in Wilkinson's time, had been charged with a co-operation in his illegal measures, or at least with a dereliction of duty, appeared now disposed to act, in such a manner, as not to give room for a similar imputation; and Eaton tells us, "he had been heard to declare,

in words of mysterious import, that serious difficulties would be shortly witnessed in New Orleans." It was deemed most prudent, at head quarters, to make a virtue of necessity. With a view of enabling Jackson to do so, with a good grace, an address was procured from the officers and men, of the principal volunteer corps of the militia of the city, soliciting the suspension of the order of the 28th of February, and pledging themselves for the future good conduct of the French subjects. On receiving this address, a general order was issued, stating that, time having been given to the people, to consider whether they would avail themselves of their degrading exemption, at a distance from the camp, or enrol themselves among those who defended the state; and the delay, being expired, the order would have been strictly enforced, had it not been for the application and guarantee of the officers and men of the volunteer companies. The execution of the order was therefore suspended, till the general's pleasure was further signified.

There is a manifest inconsistency between these two orders. Had the latter been penned by a friend of Jackson's, the order of the 28th of February would have been rescinded, on the reason assigned in the first, viz: the *persuasive evidence*, which had reached head quarters, that the state of war had ceased. There would have been much more dignity, in this admission, than in the boast that the subjects of a friendly nation, entitled by treaty to peculiar privileges in Louisiana, could be exiled from New-Orleans and compelled to march to the distance of one hundred and twenty miles, in time of peace, on the mere *signification* of any man's *pleasure*.

A number of officers had compelled the proprietor of the Exchange coffee-house, to exhibit a new transparent painting, and to illuminate the hall in a more than usual manner. They attended in the evening, and stood near the painting, with the apparent intention of indicating a

determination, to resist the attempt of taking down the painting. It was reported, a number of soldiers were in the neighborhood, ready to march to the coffee-house, at the first call. This was not calculated to allay the excitement of the public mind. The prostration of the legitimate government; the imprisonment of the district judge of the United States, the only magistrate, whose interference could be successfully invoked, on an illegal arrest, under colour of the authority of the United States, the ascendancy assumed by the military, appeared to have dissolved all the bands of social order in New Orleans.

It is not easy to say, to what extremity matters would have been carried, if the good sense of the most influential characters in the city, had not induced them to interfere. They represented, to those who were disposed to run all hazards, that a few days, perhaps a few hours, would bring the official account of the exchange of the ratifications of the treaty; that Jackson's day of reckoning would then arrive; that Hall, with the authority (tho' now without the power) of checking the encroachments of the military, possessed the authority, and would soon have the power, to punish the violators of the law—presenting the idea without using the eloquent language of Workman, in 1807: "the law is not dead, but sleepeth; the constitution is eclipsed indeed, but the dark bodies of hideous and ill-omened form, which have intercepted its light, and deprived us of its genial influence, will soon pass away, and we shall again behold the glorious luminary, shining forth in all its original splendour."

On the 9th, the court martial sustained Louallier's plea to their jurisdiction, as to all the charges except the fourth; that of being a spy—manifesting, that all judicial institutions possess, in the United States, an essential purity and energy. They thought the rules and articles of war, were expressly established by the congress,

for the government of the army, and were not binding on any individual out of it—that neither the president, or any commander, can, by a proclamation of martial law, vest in himself any right, or impose on others any obligation, that did not exist before; nor render any thing lawful or unlawful, that was otherwise before.

They acquitted Louallier of the fourth charge. There was no evidence before them, that he was found lurking about any fortification or encampment of the army of the United States; none of his disaffection; and his conduct, in the legislature, had evinced that, in zeal and patriotism, he did not yield even to Jackson. If he had published a libel, it was the duty of the attorney general of the State to indict him, and the province of the grand jury to present him, if that officer neglected his duty. He was placed before them as a person owing allegiance to, they knew he was a citizen, of the United States, and that government had in the beginning of the war, declared that a spy must essentially be an alien.

Jackson was greatly disappointed at the conclusion to which the court martial had arrived; he, however did not release either of his prisoners, and on the tenth issued the following general order :

“The commanding general disapproves of the sentence of the court martial, of which major-general Gaines is president, on the several charges and specifications exhibited against Mr. Louaillier; and is induced by the novelty and importance of the matters, submitted to the decision of that court, to assign the reasons of this disapproval.

“The charges against the prisoner were mutiny, exciting mutiny, general misconduct, for being a spy, illegal and improper conduct, and disobedience of orders, writing a wilful and corrupt libel against the commanding general, unsoldierly conduct, and conduct in violation of a general order; all which charges are, on the

face of them, proper to be inquired into by a Court Martial. The defendant pleaded to the jurisdiction of the court, and founded his exceptions on matters of fact, which exceptions, as to all the charges and specifications but one, the court sustained, without inquiring into the truth of the facts (which not otherwise could have appeared to them,) upon which those exceptions were bottomed.

The commanding general is not disposed, however, to rest his objections upon any informality in the mode of proceeding adopted by the court, but presuming that the court really believed the truth of the facts set forth in the exceptions, deems it his duty to meet the doubts as he supposes them to have existed. The character of the prisoner (a citizen not enrolled in any corps, and a member of the State Legislature, though that Legislature was not in session) probably, in the opinion of the court, placed him without their reach, upon the several charges on which they declined acting.

The enemy having invaded the country, and threatening an attack on New Orleans, many considerations, growing out of this emergency, and connected with the defence of the city, rendered the adoption of the most energetic and decisive measures necessary. Martial Law, as the most comprehensive and effectual, was therefore proclaimed by the commanding general—a state of things which made it the duty of every inhabitant, indiscriminately, to contribute to the defence of his country—a duty, in the opinion of the commanding general, more positive and more urgent than any resulting from the common and usual transactions of private, or even public life. The occasion that calls it forth, involves, at once, the very existence of the government, and the liberty, property and lives of the citizens.

Martial Law being established, applies, as the commanding general believes, to all persons who remain

within the sphere of its operation ; and, claims exclusive jurisdiction of all offences, which aim at the disorganization and ruin of the army over which it extends. To a certain extent, it is believed to make every man a *soldier*, to [defend the spot, where chance or choice has placed him ; and to make him *liable* for any misconduct calculated to weaken its defence.

If Martial Law, when necessity shall have justified a resort to it, does not operate to this extent, it is not easy to perceive the reason or the utility of it. If a man, who shall, from choice, remain within the limits of its operation, and whose house is without these limits, and there labor by means in his power to stir up sedition and mutiny among the soldiery, inspire them with distrust towards the commanding officer, and communicate to the enemy intelligence of the disaffection and discontent, which he himself has created, he may safely avail himself of what he may please to call his constitutional rights and continue his dangerous machinations with impunity; the commanding general believes he cannot easily conceive, how a man thus influenced and thus acting, might render the enemy more important services, and do his country more injury, than he possibly could, by entering the ranks of the enemy, and aiding him in open battle. Why is Martial Law ever declared? Is it to make the enlisted or drafted soldier subject to it? He was subject to it before. It is, that the whole resources of a country, or of that district over which it is proclaimed, may be successfully applied for its preservation. Every man, therefore, within the limits to which it extends, is subject to its influence. If it has not this operation, it is surely a perfect nully. Apply this view of the subject to the case before the court—and how is it? After the adjournment of the Legislature, of which the defendant claims to be a member, he remained within the camp of the American army, and within the limits, which are de-

clared to be embraced by Martial Law. How does he there deport himself? Instead of contributing to the defence of his country; instead of seeking to promote that unanimity, which a love of country, and the important trust which had been reposed in him, might have led us to expect, we behold him endeavoring to stir up discord, sedition, mutiny—laboring to disorganize and destroy an army, which had so lately defended his country, and might so soon again be necessary for its defence. Not only inviting the enemy to renew his attempt, but contributing his utmost to enable him to succeed, if he should obey the invitation. Is there no power to restrain the efforts, or to punish the wickedness of such a man? If he aids and comforts the enemy, by communicating to him information of the mutinous and seditious spirit, of the distraction and confusion, which he himself has created—why this is treason, and he cannot be punished by a court martial. If he excites mutiny, disobedience to orders, and rebellion among the soldiery, he is not attached to the army and cannot be restrained! Why is he not attached to the army? Why, at such a moment, when he remains within it, is he not subject to its rules and regulations? If the enemy comes, may he fold his arms and walk unconcernedly along the lines, or remain inactive in his room? Can he not be called upon for his exertions? May he not only refuse to render any assistance himself, but without fear or reproach, do all in his power to render ineffectual the exertions of others—of that army which, in the most threatening crisis, is fighting for the liberty and safety of that country, whose liberty and safety he professes to have so much at heart? May he, at such a moment, proclaim to the enemy, that we are dissatisfied with our general, tired of the war, determined no longer to bear the restrictions which it imposes; in a word, disaffected and disunited, and ready to yield to him on his first ap-

proach. May this man, a foreigner, retaining the predilections for the country which gave him birth, and boasting of those predilections ; may such a man, under such circumstances, excite sedition and mutiny, division and disorganization in our army ; and when he is called before the court martial, to answer for his crimes, say—Gentlemen, you have no right to take cognizance of the offences of which I am charged ? Decide with the accused, no army can be safe, no general can command ; disaffection and disobedience, anarchy and confusion must take place of order and subordination, defeat and shame, of victory and triumph. But the commanding general is persuaded, that this is a state of things which the government of no country can or does tolerate. The constitution of the United States secures to the citizen the most valuable privileges ; yet, the same constitution contemplates the necessity of suspending the exercise of the same, in order to secure the continuance of all. If it authorises the suspension of the writ of *habeas corpus* in certain cases ; it, thereby, implicitly admits the operation of Martial Law, when in the event of rebellion or invasion, public safety may require it. To whom does the declaration of this law belong ? To the guardian of the public safety ; to him who is to conduct the operations against the enemy, whose vigilance is to descry danger, and whose arms are to repel it. He is the only authority present to witness and determine the emergency which makes such a resort necessary and possessed of the means to make suitable provisions for it. For the correctness of his conduct, under the circumstances which influenced him, he stands responsible to his government.”

The court martial consoled themselves, by the reflection, that their sentence, though disapproved by Jackson, was in perfect conformity with decisions of the

President of the United States, and of the supreme court of the state of New York, in similar cases.

In August, 1812, Elijah Clark was condemned to be hung as a spy, at Buffalo, in the state of New York, by sentence of a court martial. "It appeared that he was born in the state of New Jersey, and that he continued to reside in the United States, as a citizen thereof, until within about eight months, when he removed to Canada, and there married; that his wife and property are yet in Canada, and within the dominion and allegiance of the king of the united kingdom of Great Britain and Ireland. For these reasons, the court was of opinion, that (although the said Elijah Clark was a native born citizen of the United States, and was yet holden under the allegiance, which, as such citizen, he owed to the United States) he was nevertheless liable to be tried and convicted, as a spy in the United States, for his acts of a spy, committed during the continuance of such temporary allegiance to the king of the united kingdom of Great Britain and Ireland, with whom the United States were at war.

General Hull suspended the execution, till the pleasure of the President of the United States was known.

On the 2d of October, the secretary of war wrote to the general, that Clark, "being considered a citizen of the United States, and not liable to be tried by a court martial as a spy, the President directed, that unless he should be arraigned by the civil court, for treason, or a minor crime, under the laws of the state of New York, he must be discharged."

One Smith, a naturalized citizen of the United States, and a Scotchman by birth, was arrested during the last war, and imprisoned in the barracks at Sackett's Harbour, on the charge, among others, of his being a spy. On the restoration of peace, he brought his action of false imprisonment, against the commanding officer of

the garrison. The case was brought before the supreme court; where it was argued, on the part of the defendant, that, on the principle of natural and perpetual allegiance, he remained a British subject, he was a spy, and could be treated as such; and at all events, the officer, who detained him, was justifiable in doing so, until by a due investigation in a court martial, it could be ascertained whether he was a citizen or an alien. For the plaintiff, it was insisted, that a naturalized citizen enjoys all the rights and privileges of a native born, who is entitled, in every possible case, to protection from military power. The authority of Sir Matthew Hale was quoted, that even in England, martial law is no law, but something indulged as a law; and the opinion of Lord Loughborough was relied on, that martial law, even, as described by Sir Matthew Hale, does not exist at all. The court said, "the defendant's conduct does not appear harsh or offensive; but it is the principle invoked, that renders the result so important. None of the offences, charged against the plaintiff, were cognizable before a court martial, except that which relates to his being a spy; and, if he was an American citizen, he could not be chargeable with such an offence. He might be amenable to the civil authority for treason; but could not be prosecuted, under *martial law*, as a spy." One of the judges dissented, on the ground, that the officer was justifiable in detaining the plaintiff, till it was ascertained whether he was a citizen; but the judge expressly admitted, that if he was a citizen, he was not liable to be tried as a spy.

It is evident, that by the expression, *martial law*, in the last part of the opinion of the court, reference is made to the second section of the act of congress, for establishing rules and articles of war, for the government of the armies of the United States, in which the punishment of death is denounced against spies.

The independent stand, taken by the court martial, had left no glimpse of hope, at head quarters, that the prosecution of Hall, on the charge of mutiny, on which he had been imprisoned, could be attempted with any prospect of success—the futility of any further proceedings against Louallier was evident—Jackson, therefore, put an end to Hall's imprisonment on Saturday, the 11th of March. The word *imprisonment* is used, because Eaton assures his readers, that "*Judge Hall was not imprisoned; it was merely an arrest.*" Hall had been taken from his bed chamber, on the preceding Sunday, at 9 o'clock in the evening, by a detachment of about one hundred men, dragged through the streets, and confined in the same apartment with Louallier, in the barracks. Three days after it had been officially announced to the inhabitants of New Orleans, that Jackson was in possession of persuasive evidence, that a state of peace existed, and the militia had been discharged, the door of Hall's prison was thrown open, but not for his release. He was put, under a guard, who led him several miles beyond the limits of the city, where they left him, with a prohibition to return, "till the ratification of the treaty was *regularly* announced, or the British shall have left the southern coast."

This last, and useless display of usurped power, astonished the inhabitants. They thought, that, if the general feared the return of the British, the safety of New Orleans would be better insured, by his recall of the militia, than by the banishment of the legitimate magistrate. It was the last expansion of light, and momentary effulgence, that precedes the extinguishment of a taper.

At the dawn of light, on Monday, the 13th, an express reached head quarters, with the despatch which had accidentally been misplaced, in the office of the secretary of war, three weeks before. The cannon soon

announced the arrival of this important document, and Louallier was indebted for his liberation to the precaution, which Eaton says, the president of the United States had taken, to direct Jackson to issue a proclamation for the pardon of all military offences.

Eaton.—L'atour.—Archives.—Gazettes.

CHAPTER XIX.

A rule to show cause against an attachment for contempt, was issued against Jackson.—He showed cause.—The rule is made absolute.—He declines answering interrogatories, and is fined.

Hall's return to the city was greeted by the acclamations of the inhabitants. He was the first judge of the United States they had received, and they had admired in him the distinguishing characteristics of an American magistrate—a pure heart, clean hands, and a mind susceptible of no fear, but that of God. His firmness had, eight years before, arrested Wilkinson in his despotic measures. He was now looked upon to show, that if he had been unable to stop Jackson's arbitrary steps, he would prevent him from exulting, in the impunity of his trespass.

Dick was anxious to lose no time, in calling the attention of the district court of the United States, to the violent proceedings, during the week that had followed the arrival of the first messenger of peace; but Hall insisted on a few days being exclusively given to the manifestation of the joyous feelings, which the termination of the war excited. He did not yield to Dick's wishes till the 21st. The affidavits of the clerk of the district court, of the marshal of the United States, of the attorney of Louallier and of the commander at the barracks, were then laid before the court.

The case they presented, was this:—that Jackson, desirous to punish the author of a publication, which he

called a false and corrupt libel, upwards of six weeks after the departure of the British, had yielded to the advice of those who recommended that the publisher should be prosecuted, before a court martial, as a spy, and had him arrested. The prisoner sought legal advice, and was informed, that in case of conviction, sentence of death would inevitably be passed on him—and that the court martial, by whom he was to be tried, was without jurisdiction. He implored the interference of the tribunal, especially charged with preventing a military court from stepping out of the bounds of its legitimate jurisdiction. The judge took the proper step, to have the complaint legally inquired into. With the view of obstructing the course of justice, and depriving his victim of the protection he had sought, Jackson had the judge arrested and imprisoned, till the trial was over. The clerk of the court was compelled to bring a record of the court, to head quarters, where it was taken and withheld from him. He and the marshal were threatened. Some of these transactions happened after accounts of the cessation of the state of war was received. The proceedings did not appear to have the least semblance of necessity, or even utility.

On the motion of the attorney of the United States, a rule to show cause, why process of attachment should not issue against Jackson, was granted.

On the return day, Reid, one of the general's aids, accompanied him to the court house, and presented to the court a paper, sworn to by Jackson, as his answer to the rule.

In the preamble of this document, a solemn protest was made against the unconstitutionality and illegality of the prosecution—the authority of the attorney of the United States to institute it, was denied, as well as that of any court of the United States, to punish for a contempt. It averred that no criminal prosecution could

be carried on, in any of these courts, except upon a presentment or indictment, or for an offence not created by a statute—it insisted on a trial by jury; it urged that the contempt had not been committed in presence of the court, that the writ of *habeas corpus* was not returnable into court; and that the authority of the judge, who issued it, was confined to the case of a prisoner under, or by colour of, the authority of the United States.

In the conclusion, the proclamation of martial law was justified, on the report which the general had received, of the disaffection and seditious disposition, of the French part of the population of Louisiana; and various extracts were given from letters of the governor, on the difficulties he had to encounter, the opposition he met with from the legislature, and the little dependence there was for success, except on a regular force, to be sent by the United States. The interference with the records in the clerk's office, was justified on the belief the defendant entertained, that it was within his authority. The proclamation of martial law was held to have made the publisher of the libel a soldier, and his offence cognizable by a court martial: and the imprisonment of the judge was said to have been a measure of necessity.

The attorney of the United States, opposed the reading of this paper. He said that, in no case, the defendant was permitted to make evidence for himself, and justify himself, by swearing he was innocent; although, on a process of attachment, the defendant's answers to interrogatories, put by the officer who conducted the prosecution, were conclusive evidence.

In the present stage of the cause, the inquiry was confined to the sufficiency of the facts sworn to—whether they did constitute an offence, and one which did support a prosecution, by process of attachment. When the hearing would be on the merits, the defendant might avail himself of his answers to interroga-

stories, to show that the facts, in the affidavits, on which the rule was obtained, were not true. The judge took time to deliberate.

On the next day, he said—"The court has taken time to consider the propriety of admitting the answer, offered yesterday. It was proper to do so; because it is the first proceeding, of any importance, instituted in a matter like the present, since the establishment of the court; and because, by the constitution of the court, it is composed of one judge only; and it so happens, that one of the charges of contempt, is his imprisonment, and the consequent obstruction of the course of justice. This is no reason why the proceedings should not have been instituted, and be persevered in; but it is a good one for much deliberation. No personal consideration ought, for a moment, to allow the abandonment of the defence of the laws, the support of the dignity of the tribunal, and of the rights of the citizen.

"I have considered the case, and I think I see a clear course.

"On a rule to show cause, the party called on may take all *legal* grounds, to show that the attachment ought not to issue. He may take exceptions to the *mode* of proceedings, and prove, from the affidavits on which the rule was obtained, that the facts do not amount to a contempt.

"If the court be convinced that the attachment may, legally issue, it goes to bring the party into court—the interrogatories are propounded—he may object to any of them, as improper, or deny the facts charged, and purge himself of the contempt, on oath. His single testimony counteracts all other that may have been adduced.

"I will hear any of the exceptions taken in the answer, or any question of law that may be urged.

Reid now expatiated on the unconstitutionality and illegality of a mode of proceeding, which deprived the defendant of the benefit of a trial by jury, and on the protestations, and exceptions in the preamble of Jackson's answer. He dwelt on the necessity there was for the proclamation of martial law, and attempted the justification of the facts, stated in the affidavit, which were the basis of the prosecutions, by martial law.

The attorney of the United States stated his conviction, that it was now too late to speak of the unconstitutionality of the process of attachment—a construction and interpretation of the constitution, contemporaneous with that instrument, and coeval with the present government, had received the sanction of the judiciary, and the house of representatives:—that no jury was called in, because the facts, if contested, were to be settled by the oath of the defendant, in his answers to interrogatories propounded to him, in behalf of the United States; it being the duty of their attorney, to draw forth, by these interrogatories, as by cross-examination, in the audition of witnesses, the facts, which the defendant had an interest to conceal. After his conscience was thus probed, the evidence resulting, from his answers, counteracted all the testimony adduced against him.

The attorney urged, that he was willing to admit that the arrest of Louaillier was not made under any authority derived from the United States, but it was his duty to say, it took place, under colour of such an authority: and, in either case, it was the duty of the magistracy of the United States, to inquire into the legality of the arrest. He added, that with regard to such writs, which the judges were authorised to issue, at their chambers, it had never been doubted, that obedience to them was to be enforced, and contempt of them punished, in the same manner as if the writ had been issued by the clerk.

He added that, when the case should be before the court, on the merits, the defendant would have every benefit that could be derived from martial law.

The rule was made absolute.

Jackson's advisers now found he could not be defended on the merits, with the slightest hope of success, as the attorney of the United States would probably draw from him by interrogatories, the admission, that both Louaillier and the judge were kept in prison, long after persuasive evidence had been received at headquarters, of the cessation of the state of war. They therefore recommended to him not to answer the interrogatories, which would authorise the insinuation that he had been condemned unheard.

It appears that some of his party, at this period, entertained the hope that Hall could be intimidated, and prevented from proceeding further. A report was accordingly circulated, that a mob would assemble in and about the court-house—that the pirates of Barataria, to whom the judge had rendered himself obnoxious before the war, by his zeal and strictness, in the prosecution that had been instituted against several of their ringleaders, would improve this opportunity of humbling him. Accordingly, groupes of them took their stands, in different parts of the hall, and gave a shout when Jackson entered it. It is due to him to state, that, it did not appear that he had the least intimation that a disturbance was intended, and his influence was honestly exercised to prevent disorder.

On his being called, he addressed a few words to the court, expressive of his intention not to avail himself of the faculty he had to answer interrogatories;—a determination, which he said was grounded on the court's refusal to allow his answer to the rule, being read.

The court informed him, every indulgence had been extended to him, which the law authorised.

The attorney of the United States now rose, and said that his task was much simplified by the course the defendant had taken. The defendant stood charged with having obstructed the course of justice, and prevented the interference of the court, in order that an illegal prosecution, for a capital offence, might be carried on, before a military tribunal, against a citizen absolutely unconnected with the army or militia. His protestations and exceptions, had already been disposed of. The greatest part of the paper, which he had produced on his first coming into court, was filled with extracts of letters, and arguments, by which his issuing a proclamation of martial law, was intended to be justified.—No one had ever seen any degree of guilt in this act.—It was very proper, in the beginning of an invasion, for the commander of the army raised to oppose it, to warn, by a solemn appeal, his men and all his fellow-citizens around him, that circumstances required the exertion of the faculties of all, to repel the enemy—and that the martial law of the United States, *i. e.* the system of rules established by the acts of congress and the laws and usages of nations, with regard to martial matters, would be strictly enforced.

The words of Judge Bay, of the supreme court of South Carolina, in *Lamb's* case, were quoted :—“If by martial law is to be understood that dreadful system, the *law of arms*, which in former times was exercised by the King of England and his lieutenants, when *his word was the law*, and his *will the power*, by which it was exercised, I have no hesitation in saying that such a monster could not exist in this land of liberty and freedom. The political atmosphere of America would destroy it in embryo. It was against such a tyrannical monster that we triumphed in our revolutionary conflict. Our fathers sealed the conquest by their blood, and their posterity will never permit it to tarnish our soil by its un-

hallowed feet, or harrow up the feelings of our gallant sons, by its ghastly appearance. All our civil institutions forbid it; and the manly hearts of our countrymen are steeled against it. But, if by this military code are to be understood the rules and regulations for the government of our men in arms, when marshalled in defence of our country's rights and honor, then I am bound to say, there is nothing unconstitutional in such a system."

The attorney of the United States candidly admitted, that, although the acts of the defendant could not, by any means, be justified by his proclamation; they could certainly be so, by necessity, which justifies any act it commands—and the defendant was entitled to every benefit under the plea of necessity: and, on the part of the United States, success in the prosecution, was neither expected nor wished, if that necessity could be shown.

To show that no necessity existed, to authorise the acts of violence complained of, the attorney stated, that the defendant had admitted that "most of the acts mentioned in the rule took place, after the enemy had retired, from the place he had at first assumed—after they had met with a signal defeat—and, after an unofficial account had been received of the signature of the treaty." This had been verified by the affidavit of the defendant, that the material facts contained in his answer, he believed to be true—but the general had not sworn that his answer contained the whole truth, and the counsel by whom the document was prepared, had carefully suppressed some most material circumstances. The charges, which were the basis of the illegal proceedings, which it was the bounden duty of the court to arrest, were exhibited, after several confirmations of the account of the signature of the treaty were received—after the ratification of that treaty by the Prince Regent had been announced—after it was known that the trea-

ty had arrived at Washington, and the Senate had advised its ratification—after the President had ratified it, and the mutual exchange of the ratifications. It was admitted that the official annunciation of all these circumstances had not been received by the defendant, but to use his own words, in an official document, he had *persuasive evidence* of these facts, and he credited them. The untoward accident, which had prevented his receiving the despatch of the secretary of war containing the official intelligence, was known to him. He even confessed the state of war no longer existed—that his duty forbade him to persist in measures, which the return of peace rendered unnecessary and illegal. Under this impression, he proposed a suspension of hostilities to Lambert—he discharged the militia of the state; and consented that the French subjects, residing in New-Orleans, should no longer be required to return to his camp.

In the conclusion of his argument, Dick observed, that credulity itself could not admit the proposition, that persuasive evidence that the war had ceased, and belief that necessity required that violent measures should be persisted in to prevent the exercise of the judicial power of the legitimate tribunal, could exist, at the same time, in the defendant's mind.

The general made a last effort to avert the judgment of the court against him, by an asseveration, he had imprisoned Dominick A. Hall, and *not the judge*: his attention was drawn to the affidavit of the marshal, in which he swore Jackson told him "I have *shopped the judge*."

The court, desirous of manifesting moderation, in the punishment of the defendant for the want of it, said that, in consideration of the services the general had rendered to his country, imprisonment should make no part of the sentence, and condemned him to pay a fine of one thousand dollars and costs, only.

A check was immediately filled by Duncan, signed by Jackson, and handed to the marshal, who accepted it in discharge of the fine and costs.

On Jackson's coming out of the court house, his friends procured a hack, in which he entered, and they dragged it to the Exchange coffee-house, where he made a speech, in the conclusion of which he observed that, "during the invasion, he had exerted every faculty in support of the constitution and laws—on that day, he had been called on to submit to their operation, under circumstances, which many persons might have deemed sufficient to justify resistance. Considering obedience to the laws, even when we think them unjustly applied, as the first duty of the citizen, he did not hesitate to comply with the sentence they had heard pronounced;" and he entreated the people, to remember the example he had given them, of respectful submission to the administration of justice.

A few days after he published, in the *Ami des Lois*, the answer he had offered to the district court, preceded by an exordium, in which he complained, that the court had refused to hear it. He added, that the judge "had indulged himself, on his route to Bayou Sarah, in manifesting apprehensions as to the fate of the country, equally disgraceful to himself, and injurious to the interest and safety of the state," and concluded—"should judge Hall deny this statement, the general is prepared to prove it, fully and satisfactorily."

The gauntlet did not long remain on the ground, and the following piece appeared in the *Louisiana Courier*:

"It is stated in the introductory remarks of general Jackson, that 'on the judge's route to Bayou Sarah, he manifested apprehensions as to the safety of the country, disgraceful to himself, and injurious to the state.' Judge Hall knows full well, how easy it is for one, with the influence and patronage of general Jackson, to pro-

cure certificates and affidavits. He knows that men, usurping authority, have their delators and spies; and that, in the sunshine of imperial or dictatorial power, swarms of miserable creatures are easily generated, from the surrounding corruption, and rapidly changed into the shape of buzzing informers. Notwithstanding which, judge Hall declares, that on his route to Bayou Sarah, he uttered no sentiment disgraceful to himself, or injurious to the state. He calls upon general Jackson, to furnish that full and satisfactory evidence of his assertion, which he says he is enabled to do."

The pledge was never redeemed. The general's silence showed, that those, on whose reports he had ventured to charge Hall, could not enable him to administer proof of what they had advanced. The accusation appeared as destitute of foundation, as the charge brought against the legislature, of having entertained the idea of proposing a capitulation. Never was a virtuous community, more gratuitously charged with disaffection, sedition and treason, than the population of Louisiana. Time has shown, that, in patriotism, zeal and courage, it did not yield to that of any state in the confederacy. Before danger was impending, they canvassed every measure that was proposed to them; they investigated every claim on their services. But, as soon as it was necessary to act, they did so, promptly and effectually. All the resources of the state, were put at the disposal of Jackson—every branch of government, with all its might, seconded him—the people submitted to every privation, every duty, which circumstances imposed.

It is true, the general assembly did not join Jackson in the belief, that the suspension of the writ of *habeas corpus*, was a proper measure. They knew, better than he, the population of their country—they did not err, when they concluded it could be trusted. They

remembered the time of Wilkinson, and experienced that his violent measures and those of Jackson, after danger had ceased to exist, were absolutely ill timed—productive of disorder and confusion, and unattended by any advantage: and the people, as soon as danger was over, manifested their determination, not to submit to oppression or unnecessary hardships. The French subjects had shown, they were not afraid of the enemy; they showed they did not fear the general. Nothing but the certainty, that the day of retribution was at hand, and that the insult, offered to the court of the United States, was about to be avenged, prevented those serious difficulties, which Claiborne, as Eaton informs us, believed would soon be witnessed in New-Orleans.

The national council rendered to Louisiana, that justice, which she ought to have received at the headquarters of the seventh military district.

Congress passed a resolution, expressive of the high sense they entertained, of the patriotism, zeal, fidelity and courage, with which the people of Louisiana had promptly and unanimously stepped forward, under circumstances of imminent danger, from a powerful invading enemy, in defence of all the *individual*, social and *political* rights, *held dear to man*. A like sense was also expressed of the generosity, benevolence and humanity displayed by the inhabitants of New-Orleans, in voluntarily affording the best accommodations in their power, and giving their best attentions, to the wounded, not only of the army of the United States, but also to the wounded prisoners of a vanquished foe.

In receiving this testimonial of the approbation of the legislature of the Union, well might the people of Louisiana exclaim, *laus laudari a te*. It was calculated to induce them to disregard, as it effectually counteracted, the assertions and insinuations of Jackson's advisers and panegyrists.

If, on the arrival of O'Reilly, at New-Orleans, in 1769, he had attended to the maxim, in the motto of his coat of arms, *Fortitudine et prudentia*, the lives of five individuals, in whose attachment to their former sovereign, he should have seen a pledge of their future devotion to his own, would have been spared. If Jackson had been as *prudent* after the invasion, as he had been *brave* during its continuance, he would have spared to himself and others, very disagreeable consequences. May his conduct during one period, be a pattern, and, during the other, a warning to future commanders!

It is the duty of history to record the virtues and errors of conspicuous individuals. In free governments, dangerous precedents are to be dreaded from good and popular characters only. Men of a different cast can never obtain sufficient sanction for their measures, to make their acts an example for others. Hence, the necessity of exposing the false grounds of the actions of the former, and pointing out the evil consequences to which they lead.

The history of every age, and every country, shows that, the higher man is placed in authority, the greater the necessity of his bridling his passions, lest others should believe, anger and resentment, have prompted measures, which should have had no other motive but public utility—and that a temper, which can bear no contradiction, and a will spurning all control, are the characteristics of a man in power. It teaches us how important it is, he should not select for his advisers, men who have enlisted themselves in the ranks of those who oppose the measures of government—men having private interests to subserve, private enmities to gratify, and private injuries to avenge—that he should abstain from acting personally, in cases, which present great latitude for the improper indulgence of his feelings; and

leave to dispassionate tribunals, the punishment of those who have wounded his pride, by setting his authority at defiance; refraining to become the prosecutor and arbiter of his own grievances, and to place himself in situation, in which, reason having but little control, he may do great injustice; and suspicion always, and censure often, attach to his determination.

May the citizens of these states ever find in the annals of their country, reasons to cherish and venerate that branch of government, without the protection of which it is in vain that the invader is repelled—the benign influence of which, man feels before he enters the portals of life—which guards the rights of the unborn child—throws its broad shield over helpless infancy—the solicitude of which, watches over man's interests, whenever disease or absence, prevents his attention to them—to which the woodsman confidently commits his humble roof and its inmates, in the morning, when shouldering his axe, he whistles his way to the forest, assured it will guard them from injury, and secure to him the produce of his labour—from which the poor and the rich are sure of equal justice—which neither the *ardor civium prava jubentium*, nor the *vultus instantis tyranni*, will prevent from coming to the relief of the oppressed—which secures the enjoyment of every domestic, social and political right, and does not abandon man after he has passed the gates of death—leaving him in the grave, the consoling hope that the judiciary power of his country, will cause him to hover a while, like a beneficent shade, over the family he reared—directing the disposition of the funds his care accumulated for their support, and thus, by a sort of magic, allow him to *continue to have a will, after he has ceased to have an existence.*

Records—Gazettes.

THE END.

202

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